

Before The Central Administrative Tribunal  
Bombay Bench, Camp At Nagpur.

O.A.1054/93.

Shri R.B. Kaole.

.. Applicant.

V/s.

Union of India & Others.

.. Respondents.

Coram : Hon'ble Shri Justice M.S. Deshpande, Vice Chairman.  
Hon'ble Shri N.K. Verma, Member (Adm.)

Appearances:

1. Shri D.B. Walthare,  
Counsel for Applicant.
2. Shri A.B. Choudhari,  
Counsel for Respondents.

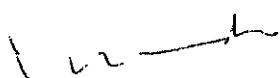
ORAL JUDGMENT :

Dated : 2.11.1993.

¶ Per : Hon'ble Shri M.S. Deshpande, V.C. ¶

We have heard the applicant on the application for condonation of delay. The applicant was removed from service as a result ~~that~~ <sup>of</sup> the departmental enquiry's report dtd. 11.11.1985. The applicant's contention was that a criminal case was filed before J.M.F.C. Sakoli, wherein the applicant came to be acquitted of the <sup>same</sup> charges. ~~A copy~~ filed in the records shows that the offence was compounded. ~~and enquiry was the result of pendency of the criminal case.~~

2. According to the applicant he was mentally ill. The certificate which has been filed goes to show that the malady existed in the year 1986. As per Annexure 4 he was admitted in the Mental Hospital on 15.3.1986 and Annexure 5 is the discharge certificate dtd. 3.5.1986 which says that the applicant is fit to resume his duties. The criminal case was decided on 25.8.1992. No reasons have been given as to why from 15.3.1986 the applicant was inactive in pursuing the departmental remedies. Steps seem~~s~~ to have



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been taken only on 30.12.1991 when the remedy of appeal was barred by time.

3. In the circumstances, we see no justification to condone the delay in filing the application in the year 1993.

4. The application is dismissed as barred by time. There will be no order as to costs.

N.K.V.

( N.K. VERMA )  
MEMBER (A).

M.S. DESHPANDE  
VICE CHAIRMAN.

H.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD, BOMBAY-1

R.P. NO. 18/94  
in  
O.A. No. 1054/93

Ramchandra Bandu Kaole

..Applicant

v/s.

Union of India & Ors.

..Respondents

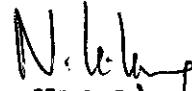
Coram: Hon. Shri Justice M.S.Deshpande, V.C.  
Hon. Shri N.K. VERMA, Member (A)

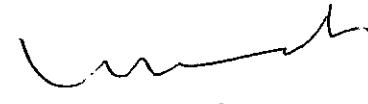
TRIBUNALS ORDER: (By circulation)  
(Per: N.K. Verma, Member [A])

DATED: 26/5/94

This is a review petition against our order/judgment dated 2.11.1993 in regard to O.A. No. 1054/93 in which the applicant's prayer for quashing his removal from service was rejected on the grounds of limitation. In the Review Petition the applicant has not brought out any new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made, to canvas in support of the prayer in the review petition and the cause of action had arisen in 1985. The applicant was removed from service on 11.11.1985 and his subsequent review petition to the appropriate authority in 1991 does not cure the bar of limitation in this case.

2. There is <sup>no</sup> mistake or error apparent on the face of the record. The review petition is accordingly dismissed.

  
(N.K. Verma)  
Member (A)

  
(M.S. Deshpande)  
Vice Chairman