

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

CIRCUIT SITTING AT NAGPUR

O.A. NO: 307/93 199

T.A. NO: ---

DATE OF DECISION 13.4.93

Uttam Appaji Meshram

Petitioner

Mr. G. S. Gulati

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Mr. P. S. Lambat

Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~Mr.~~ Ms. Usha Savara, Member (A)

The Hon'ble Mr. V. D. Deshmukh, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

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mbm\*

*Usha Savara*  
(Usha Savara)  
M(A)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

CIRCUIT SITTING AT NAGPUR

O.A.307/93

Uttam Appaji Meshram,  
R/o.Balaji Nagar Extension,  
Plot No.5, Post-Bhagwannagar,  
Nagpur.

.. Applicant

-versus-

1. Union of India  
through  
General Manager,  
Central Railway,  
Bombay V.T.

2. Divisional Railway Manager,  
Central Railway,  
Nagpur.

3. Assistant Mechanical Engineer,  
(Power),  
Central Railway, Nagpur.

.. Respondents

Coram: Hon'ble Ms.Usha Savara, Member (A)

Hon'ble Mr.V.D.Deshmukh, Member (J)

Appearances:

1. Mr.G.S.Gulati  
Advocate for the  
Applicant.

2. Mr.P.S.Lambat  
Counsel for the  
Respondents.

ORAL JUDGMENT:

Date: 13-4-1993

Per Usha Savara, Member (A)

This O.A.has been filed by the applicant  
against the order passed by respondent No.2 & 3  
terminating the service of the applicant ille-  
gally. It is the applicant's case that he was  
employed as monthly rated casual labour under  
respondent No.3 and worked for more than a year  
continuously during 1984 to 1987 before he was

abruptly stopped from attending the work. A showcause notice dt.29-6-87 was received by him on 3-7-87. The showcause notice was misplaced and therefore no reply was sent. On or about mid-July,1987 he was stopped from working.

2. The respondents have raised the plea of limitation as the applicant was terminated in July'87 and the application has been filed only in March,1993. The applicant has filed an application for condonation of delay in which he has stated that he has been ~~del~~igently pursuing his grievance with the concerned authorities orally. No other reason has been cited for the delay in filing the application.


3. It is the case of the applicant also that the order of termination was not served upon him and therefore the same had not acquired finality. On repeated enquiries as to what action ~~he~~ he had taken on being refused to work, the only reply given by the learned counsel for the applicant is that he made oral ~~re~~quests and representations.

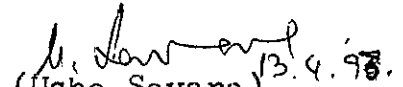
4. The respondents have produced the record showing therein that the showcuase notice was duly served upon the applicant but no reply was received. They have also shown the termination order allegedly signed by the applicant but the signatures are not verified. <sup>ws.</sup> However, there is no doubt that the showcause notice was properly served and no reply has been filed by the applicant. No other representation <sup>ws.</sup>

has been made by the applicant in the last five years. In the circumstances the application is grossly barred by limitation and is dismissed.

MP 275/93 for condonation of delay is also

~~dismissed~~,  
stands ~~disposed of~~.

  
(V.D. Deshmukh)  
Member(J)

  
(Usha Savara) 13.4.98.  
Member(A)

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