

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:310/97

DATE OF DECISION:9.10.2001

Shri Azimuddin Zahiruddin Shaikh Applicant.

Advocate for
Applicant.

Verses

Union of India and others Respondents.

Shir K.R. Yelwe for Shri V.S. Masurkar Advocate for
Respondents

CORAM

Hon'ble Shri S.L.Jain, Member(J)

Hon'ble Shri V.K. Majotra, Member(A)

(1) To be referred to the Reporter or not? *yes*

(2) Whether it needs to be circulated to *no*
other Benches of the Tribunal?

(3) Library. *yes*

S.L.Jain
(S.L.Jain)
Member(J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:310/97

TUESDAY the 9th day of OCTOBER 2001

CORAM: Hon'ble Shri S.L. Jain, Member(J)

Hon'ble Shri V.K. Majotra, Member(A)

Azimuddin Zahiruddin Shaikh

Residing at

Rly. Qr. No. 12/L/2,

Bandra (West) Mumbai.Applicant.

V/s

1. Union of India through
General Manager,
Western Railway, H.Q. Office
Churchgate, Mumbai.
2. Divisional Railway Manager
Western Railway, Divl. Office
Mumbai Central, Mumbai.
3. Chief Depot Officer
Mech. Deptt. W. Railway
Mumbai Central, Mumbai.
4. Asstt. Mech. Engineer(Depot)
Mech. Deptt. W. Railway
Mumbai Central, Mumbai.Respondents.

By Advocate Shri K.R. Yelwe for Shri V.S. Masurkar

ORDER (ORAL)

{Per S.L. Jain, Member (J)}

This case was taken from Sine die list on 9.5.2001. Thereafter the applicant was issued notice vide dated 30.5.2001, which is notback. Hence a presumption arises that the notice has been served on the applicant. The applicant remain absent on 18.6.2001, 16.7.2001, 30.7.2001, 3.8.2001, 3.9.2001, 26.9.2001 and 5.10.2001. We therefore proceed to hear the matter on merits.

P.C. Shrivastava

2. This is an application under Section 19 of the Administrativen Tribunals Act 1985 to quash and set aside the order dated 5.4.1995 (Annexure A/1) and order dated 25.9.1995 (Annexure A/2) passed by the Disciplinary Authority and the Appellate Authority respectively.

3. The applicant has filed this OA 11.3.1997 against the aforesaid orders. He has also filed delay condonation application. On perusal of condonation for delay application we find that the applicant claims that condonation of delay on the ground that he has chosen to file the case in this Tribunal and handed over all the relevant papers concerning the disciplinary proceedings to an Advocate and the case was not filed by the said Advocate till the end of December 1996. Hence he withdrew all the papers from the said Advocate and thereafter filed this application through another advocate.

4. It is suffice to mention that the applicant has not even stated the name of the Advocate to whom he has handed over the paper for filing the case, no date is mentioned when he had handed over the paper to the said Advocate, and which is the date on which he received the papers back from the said Advocate, and what action he has taken against the said Advocate. Even for condonation of delay the applicant has not made out sufficient cause - the vague allegation without giving data which can be verified, we are of the considered opinion that there is no truth in the explanation and as such no sufficient cause is made out. In the result we do not find any merit in condonation of delay application, hence the application deserves to be dismissed and is dismissed accordingly.

5. After the dismissal of the application for condonation of delay the case need not be examined on merits, hence the OA is liable to be dismissed and is dismissed accordingly with no order as to costs.

V.K. Majotra

(V.K. Majotra)
Member(A)

S.L. Jain

(S.L. Jain)
Member(J)

NS