

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH,
CAMP AT AURANGABAD.

ORIGINAL APPLICATION NO.906/1997.

Friday, this the 10th day of August, 2001.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,
Hon'ble Shri M.P.Singh, Member (A).

R.K.Kadve,
R/at : At P.O. Padoshi,
Tal. Akole, Ahmednagar,
District - Ahmednagar.
(By Advocate Shri S.P.Kulkarni)

...Applicant.

v.

1. Union of India through
Senior Superintendent of Post Offices,
Nashik Division,
Nashik - 422 001.
2. Assistant Superintendent of Post Offices,
North Sub-Division,
Nashik - 422 001.
3. Director of Postal Services,
Office of Postmaster General,
Aurangabad Region,
Aurangabad - 431 002.
4. Postmaster General,
Aurangabad Region,
Aurangabad - 431 002.
5. Chief Postmaster General,
Maharashtra Circle,
Old G.P.O. Building,
2nd Floor, Fort,
Mumbai - 400 001.
(By Advocate Shri V.S.Masurkar)

...Respondents.

...2.



: ORDER :

Shri M.P.Singh, Member (A).

The applicant by filing this OA, has sought relief by seeking direction to set aside the impugned order passed by the Disciplinary Authority being disproportionate and also having been passed by respondents when applicant was insane. He has also sought for a direction to respondents to dispose of the appeal and start a denovo enquiry so as to give him an opportunity to defend himself.

2. The applicant was working as Extra Departmental Agent (for short, EDA) in the Postal Department, ²from 3.11.1988, ^{1/2}He became mentally imbalanced and was wandering here and there for mental treatment. He became fit for duties on 13.9.1993. He, however, could not submit medical certificate for the period from 3.11.1988 to 12.9.1993. The Respondents initiated Disciplinary Proceedings against the applicant. An Enquiry Officer was appointed and the enquiry was concluded with a finding that charges are proved. The Disciplinary Authority after taking into consideration the report of the enquiry officer imposed a penalty of removal from service on the applicant. According to the applicant, he preferred an appeal on 3.10.1994 which is still pending with the Respondents.

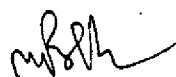


Aggrieved by this he has filed this OA claiming the aforesaid reliefs.

3. The Respondents in their reply have stated that applicant has filed the appeal on 17.6.1995, it could not be considered as the same was time-barred. The applicant has been informed about this vide order dt. 8.8.1997.

4. We have heard Learned Counsels for rival contesting parties and perused the record.

5. On a perusal of record, we find that the applicant was removed from service on 5.9.1994. As per applicant's statement, he has filed the appeal on 3.10.1994. However, he has filed this OA on 14.8.1997 i.e. after a period of about 3 years. As per Section ²¹ 20 of the Central Administrative Tribunals Act, 1985, the applicant should wait for six months after making the representation/^{appeal} and thereafter within one year he should file the OA before the Tribunal. In this case, the applicant has neither filed the application within time nor has submitted any application for condonation of delay. It is well settled law that without submitting the application for condonation of delay, delay cannot be condoned. The OA is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985, the same is accordingly dismissed.


(M.P.SINGH)
MEMBER(A)


(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.