

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 201/1998.

Date of Decision: JULY 17, 1998.

Shri Dinkar Vishnu Kamble, Petitioner/s

Shri K. R. Yelwe, Advocate for the
Petitioner/s

V/s.

Union Of India & Others, Respondent/s

Shri V. G. Rege, Advocate for the
Respondent/s

CORAM:

Hon'ble Shri Justice R. G. Vaidyanatha, Vice-Chairman.

Hon'ble Shri D. S. Baweja, Member (A).

- (1) To be referred to the Reporter or not ? *no*
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? *no*

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 201/98.

Dated this Friday, the 17th day of July, 1998.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Dinkar Vishnu Kamble,
Residing at -
227, Maugalwar Peth,
Gadital, Wani Chawl,
Pune - 11.

... Applicant

(By Advocate Shri K.R. Yelwe)

VERSUS

1. The Secretary,
Government of India,
Ministry of Railways,
Rail Bhavan,
New Delhi - 110 001.

2. The General Manager,
Central Railway,
Bombay V.T.,
Bombay - 400 001.

3. The Divisional Manager,
(Railway) Personnel Branch,
Central Railway, Solapur.

... Respondents.

4. The P. Way Inspector,
Southern Central Railway,
Uruli, Dist. Pune.

(By Advocate Shri V.G. Rege).

: OPEN COURT ORDER :

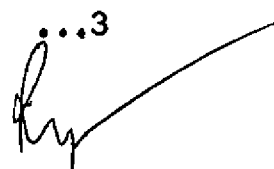
¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

This is a transferred application from the Civil Court, Pune. The applicant filed Civil Suit No. 1666/89 in the Court of Civil Judge (Senior Division), at Pune in 1989 challenging the order of removal from

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service w.e.f. 19.11.1969. The respondents have filed written statement in the Court of the Civil Judge. Now the Civil Court has transferred the file to this Tribunal since the matter pertains to a service matter of Central Government employee. We have heard the Learned Counsels appearing on both sides regarding admission of this application.

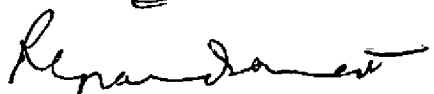
2. Though the applicant has shown the order of removal from service as w.e.f. 1973, it is ^{now} brought to out notice that actually the order of removal from service was passed on 19.11.1969 but the plaintiff relies on the Certificate dated 14.02.1973 issued by the Permanent Way Inspector, where he has mentioned that the applicant was removed from service w.e.f. 19.11.1969. Even granting that the applicant came to know of the order in 1973, still we find that he filed the civil suit in 1989. The period of limitation for challenging the order of removal from service is three years from the date of the order. Even if we calculate the period of limitation from the date of certificate i.e. w.e.f. 14.02.1973, the suit should have been filed in 1976, but it came to be filed 13 (thirteen) years later, in 1989. There are absolutely no reasons given for the undue and unexplained delay in filing this delayed application. We may also mention that for a suit, there is no question of condoning the delay at all. After hearing both the sides, we find that the claim of the applicant is hopelessly barred by time and liable to be dismissed on the ground of limitation.

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3. In the result, the O.A. is rejected at the admission stage on the ground of limitation.

No costs.


(D. S. BAWEJA)
MEMBER (A).


(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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