

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 1027/98

Date of Decision : 31.7.2002

M.A.Jeyakaran

Applicant

None

Advocate for the
Applicant.

VERSUS

Union of India & Ors.

Respondents

Ms.Supriya Dhaware for
Shri Suresh Kumar

Advocate for the
Respondents

CORAM :

The Hon'ble Shri B.N.Bahadur, Member (A)

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

- (i) To be referred to the reporter or not ? *yes*
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? *No*
- (iii) Library *yes*

S.L.Jain
(S.L.JAIN)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.1027/98

Wednesday this the 31st day of July,2002.

CORAM : Hon'ble Shri B.N.Bahadur, Member (A)

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

M.A.Jeyakaran,
R/o RB-II/A-8,
Tadiwala Road,
Pune.

...Applicant

None for the Applicant

vs.

1. AEE (TRS/O) I,
Central Railway,
Mumbai Division,
Mumbai CST,
Mumbai.
2. Sr.Divisional Elextrical
Engineer (TRS/O),
Central Railway,
Mumbai Division,
Mumbai CST,
Mumbai.
3. Union of India
through General Manager,
Central Railway,
Mumbai CST,
Mumbai.

...Respondents

By Advocate Ms.Supriya
Dhaware for Shri Suresh
Kumar.

P. S. M. -

..2/-

O R D E R (ORAL)

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

This is an application under Section 19 of the Administrative Tribunals Act, 1985 to revoke the punishment imposed on the applicant and to reimburse all the loss occurred due to the punishment to the applicant.

2. As the applicant who is appearing in person is not present, we are proceeding to decide the OA. under Rule 15 of CAT (Procedure) Rules, 1987.

3. The applicant was served with the minor penalty chargesheet dated 29.11.1996 to which he replied vide his representation dated 15.1.1997. The respondents after considering the said reply imposed the penalty of withholding of increment raising his pay from Rs.1090/- to Rs.--- in the grade of Rs.950-1520 normally due on 1.11.1997 for a period of nine months with further direction that on expiry of the period this will not have the effect of postponing future increments. The applicant appealed against the same which was decided vide order dated 30.4.1997 rejecting the same. The applicant preferred a revision which was decided vide order dated 19.8.1997. The applicant has filed this OA. on 26.10.1998.

S. V. M. -

..3/-

4. Apparently the OA. filed by the applicant is not within one year from the date of the decision of the revisional authority dated 19.8.1997. The applicant has stated in Para 3 of the OA. that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985. After perusal of the record, we are not able to place our hands on any of the reasons which suggests that why time of more than one year was taken by the applicant for filing the OA. Thus, the OA. is barred by time.

5. If we have decided the point of limitation otherwise our finding on merits is noted below :-

The charge against the applicant was :-

"His careless and negligence in working in that he worked the train No.6340 UP PA to LNL, and he detained the train at LNL for forty minutes for want of relief."

The applicant has worked for 10 hours and thereafter he sought the relief but no relief could be provided. As per Rules and instructions, two hours time is to be provided to the respondents for providing the relief, i.e. substitute. The applicant is not entitled to get himself relieved immediately after an intimation. The said fact cannot be disputed. As such, we do not find any irregularity in imposing the penalty against the applicant.

6. In the result, OA. deserves to be dismissed and is dismissed accordingly with no order as to costs.


(S.L.JAIN)

MEMBER (J)

mrj.


(B.N.BAHADUR)

MEMBER (A)