

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION No. 284/92

DATE OF JUDGEMENT

10th APRIL, 1992

BETWEEN

Sri K.Krishnamurthy .. Applicant

AND

1. Secretary,
Ministry of Communications
New Delhi

2. Member(Personnel)
Telecommunication Board/
New Delhi

3. Director, Telecom
Guntur

4. Divisional Engineer, Telecom
Bhimavaram
WestGodavri District. .. Respondents

Counsel for the Applicant : Sri T. Jayant

Counsel for the respondents : Sri N.Bhaskara Rao, Addl.
CGSC

CCRAM:

THE HON'BLE SHRI P.S. HABEEB MOHAMED, MEMBER (ADMN)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDEL.)

T. C. *[Signature]* ..2.

JUDGEMENT OF THE DIVISION BENCH DELIVERED BY
THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(J)

This is an application filed under Section 19 of the Administrative Tribunals Act, to set aside the impugned removal order No.X/KK/1984-85/63 dated 8.12.86 passed by the 4th respondent herein as confirmed by the 3rd respondent herein by his Appellate Order No.TAG/ST/8-128/9 dated 4.8.87.

The facts so far necessary for the disposal of this OA in brief, may be stated as follows:

1. The applicant herein was appointed as Telephone Operator by the Divisional Engineer(Telecom) Bhimavaram- the 4th respondent herein in the year 1981. His appointment was regularised on 12.7.1981. The respondents got a doubt about the educational qualifications of the applicant and about the genuiness of the certificates produced by the applicant at the time of his appointment. So, the 4th respondent issued a memo dated 20.1.1984 directing the applicant to submit the original certificates with regard to his educational qualifications. The applicant did not produce the said original certificates. So, a regular departmental enquiry was held as against the applicant for not producing the original educational certificates when demanded and also for making a ~~fact~~ false statement that he had submitted the original certificates at the time of his entry into the Department. The applicant as per the orders of the Disciplinary

Authority, dated 8.12.86, was removed from the service.

The applicant preferred an appeal to the Appellate Authority. The appellate authority dismissed the appeal of the applicant as per its orders dated 4.8.87 confirming the orders of the disciplinary authority dated 8.12.86.

2. On 29.10.90, the applicant had preferred a revision petition before the Revising Authority. The Revision Petition according to the applicant is still pending. As the said revision was not disposed of within 6 months, after the same was presented to the revising authority, the applicant had filed the present OA for the relief as already indicated above.

3. The office has taken objection with regard to the limitation in filing this OA. The counsel for the applicant has answered the office objection by stating that no question of limitation is involved in filing this OA. So, the office has placed before us the matter for appropriate orders, with regard to the question of limitation.

4. We have heard today Sri T.Jayant, advocate for the applicant, and Sri N.Bhaskara Rao Standing Counsel for the respondents.

5. Rule 29 of CCS Rules does not prescribe any time limit for preferring revision before the revising authority. So, in view of this position, there is no question of any limitation involved in preferring revision by the applicant before the revising authority. As already pointed out, the Appellate Authority has passed orders on 4.8.87 confirming the order of removal of the applicant passed on 8.12.86 by the Disciplinary authority.

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The revision, as already pointed out, had been preferred by the applicant before the revising authority on 29.10.90. i.e. after 3 years and two months. There is no satisfactory explanation for the enormous delay of 3 years and 2 months in preferring the revision before the revising authority by the applicant. It was open for the applicant to prefer the said revision within a reasonable period from 4.8.1987, which is the date of the order of the appellate authority confirming the order of the disciplinary authority, removing the applicant from service. So, the applicant had never thought of approaching the revising authority within a reasonable period, which in this case could be six months. It is quite evident that the applicant had been sleeping over with regard to his rights for a period of over three years. When the applicant had approached the revising authority after 3 years and when no explanation is coming from the applicant for the extraordinary delay in approaching the revising authority, we are of the opinion that, it would be fit and proper to reject the application in limine. We do not find any justification on the part of the applicant for the long delay of 3 years in approaching the revising authority. The delay in the circumstances of this case, is not at all excusable and as already pointed out, no sufficient cause is made out for the enormous delay of 3 years and 2 months on the part of the applicant in approaching the revising authority.

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6. It is of utmost importance that the applicant who seeks the intervention of this Tribunal should give satisfactory explanation for his failure to assert his claim at an early date before the competent authority. So, that being the position, 63
as already pointed out, ~~that~~ this is a fit case where the application has got to be rejected and we reject this OA accordingly.

(P.S. HABEEB MOHAMED)

Member (A)

(T. CHANDRASEKHARA REDDY)

Member (J)

Dated: 10 April, 1992

Copy to:-

1. Secretary, Ministry of Communications, New Delhi.
2. Member (Personnel) Telecommunication Board, New Delhi.
3. Director, Telecom, Guntur.
4. Divisional Engineer, Telecom Bhimavaram, West Godavari District.
5. One copy to Sri. T. Jayant, advocate, CAT, Hyd.
6. One copy to Sri. N. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
7. One spare copy.

Rsm/-

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MP
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O.A.284/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR. *P.S. Habeeb* ~~and~~ *V.C. Am.*

AND

THE HON'BLE MR. *R. BALASUBRAMANIAN* ~~M(A)~~

AND

THE HON'BLE MR. *T. CHANDRASEKHAR REDDY* ✓
MEMBER (JUDL)

AND

THE HON'BLE MR. *C.J. ROY* : MEMBER (JUDL)

Dated: 10 - 6 - 1992. ✓

ORDER / JUDGMENT ✓

R.A./C.A./M.A. No.

in

O.A. No.

284/92 ✓

T.A. No.

(W.P. No. _____)

Admitted and interim directions
issued

Disposed of with directions ~~Administrative Tribunal~~ ✓

Dismissed

DESPATCH

18/6/92 ✓

Dismissed as withdrawn

Dismissed for Default

HYDERABAD BENCH.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

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