

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
 AT HYDERABAD

O.A.No.439/92

Date of Order: 19.6.1992

BETWEEN :

N.K.Janardhan

.. Applicant

A N D

1. Chief Personnel Officer, South Central Railway, Secunderabad.
2. Divisional Railway Manager (Personnel) South Central Railway, Secunderabad.
3. Senior Divisional Mechanical Engineer, M.G/HYD/SC, South Central Railway, Secunderabad.
4. Assistant Mechanical Engineer, Loop Oil Filter Point (L.O.F.P), S.C.R. Secunderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.S.Lakshma Reddy

Counsel for the Respondents

.. Mr.J.R.Gopal Rao

CORAM :

HON'BLE SHRI P.C.JAIN, MEMBER (ADMN.)

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

(Order of the Division Bench delivered by
 Hon'ble Shri P.C.Jain, Member (Admn.)).

CJ

STORY

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We have heard the learned counsel for both the parties on the point of limitation as regards [redacted] the OA as also on the merits of the MA seeking condonation of delay in filing the OA.

2. The relevant facts are that the applicant was served with a memorandum of charge and in pursuance of an enquiry held under Railway Servants (Discipline and Appeal) Rules 1968, he was ordered to be removed from service w.e.f. 22.5.1989 vide memorandum dated 19.5.1989. He could file an appeal within 45 days. However, it appears that he filed it on 1.4.1990. The appeal was considered on merits and rejected vide communication dated 11.5.1990. The review petition dated 3.7.1990 was also rejected vide communication dated 21.2.1991. He should have therefore filed the OA by 20.2.1992 in accordance with provisions of Section 21(1) of the Administrative Tribunals Act, 1985. The OA was actually filed on 22.4.1992 and hence the MA seeking condonation of delay. The MA does not disclose sufficient grounds to justify condonation of delay. It is mentioned that he filed a mercy petition on 19.8.1991. This being not a part of the remedies under the service rules referred to in Section 20 of the Act, it cannot be considered as a sufficient ground for delay in filing the OA. Another ground mentioned is that the applicant was not aware of the limitation. It is well settled that ignorance of law is no excuse and it is not a valid ground even under Section 5 of the Limitation Act, 1963. Another ground mentioned is that his financial condition was not satisfactory. No particulars have been furnished to justify any serious consideration of such a ground.

(c).

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3. The petitioner has not been able to make out that sufficient grounds exist for condoning the delay. While coming to this conclusion, we have also perused the OA with a view to assess prima facie the merits of the case. We find no justification for condoning the delay. Accordingly MA.526/92 has to be rejected and we order accordingly. In view of the rejection of the MA, the OA.439/92 is not maintainable as it is bared by limitation. Accordingly the OA is rejected as bared by limitation.

T. Chandrasekhar Reddy
 (T.CHANDRASEKHARA REDDY)
 Member (Judl.)

C. Jain
 (P.C.JAIN)
 Member (Admn.)

Dated: 19th June, 1992
 (Dictated in the Open Court)

Dy. Registrar (J)

To

1. The Chief Personnel Officer, South Central Railway, Secunderabad.
2. The Divisional Railway Manager (Personnel) S.C.Rly, Secunderabad.
3. The Senior Divisional Mechanical Engineer, M/G/HYD/SC, S.C.Rly, Secunderabad.
4. The Assistant Mechanical Engineer, Loop Oil Filter Point (L.O.F.P) S.C.Rly, Secunderabad.
5. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
6. One copy to Mr.J.R.Gopal Rao, SC for Rlys, CAT.Hyd.
7. One copy to Hon'ble Mr.P.C.Jain, M(A)CAT.Hyd.
8. One copy to Hon'ble Mr.T.Chandrasekhar Reddy, M(J)CAT.Hyd.
9. One spare copy.

pvm.

*32/9/92
Parveen*
 sd