

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Dated of order: 02.09.2003

OA No.316/2003

P.J.Thomas s/o Joseph, aged about 69 years r/o Railway Housing Society Colony, Behind Hodit Area, Khodan Newpura Police Line, Kota, last employed on the post of IOW Grade-II, Western Railway.

.. Applicant

Versus

1. Union of India through General Manager, Central Western Railway, Jabalpur (MP)
2. Divisional Railway Manager (Establishment), Central Western Railway, Kota Division, Kota.

.. Respondents

Mr. Shiv Kumar, counsel for the applicant.

CORAM:

HON'BLE MR. S.F.AGRAWAL, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L.CHAUDHAN, MEMBER (JUDICIAL)

O R D E R (ORAL)

The applicant has filed this OA seeking reliefs ^{by} ~~of~~ declaring the impugned order dated 08.01.1997 (Ann.A1) as illegal, arbitrary and further directions to pay the same pay to the applicant as given to Shri M.K.Sharma.

2. The applicant has drawn our attention to the judgment dated 2.7.2002 in OA No.302/2000 passed by this Tribunal wherein the applicant had withdrawn the OA and he was given liberty to file another OA within one month from that date, if he ^{is} so desirous. So the applicant ^{was} ~~has~~ to file this OA upto August, 2002 whereas he has filed this OA in July, 2003. The learned counsel for the applicant ^{has} ~~is~~ during the discussions, ^{that he} ~~wanted~~ to file a Misc. Application seeking

condonation of delay. However, the same has not been filed as yet.

3. On the point of limitation the applicant has no case. This Tribunal vide order dated 2.7.2002 has specifically granted a liberty to file a fresh OA within one month. So long as this order is not reviewed, the Misc. Application for condonation of delay does not lie. As such the contention of the applicant that liberty may be granted to him to file Misc. Application for condonation of delay is hereby rejected.

4. The OA is accordingly dismissed as time barred with no order as to costs.



(M.L. CHAUHAN)

Member (J)



(S.K. AGRAWAL)

Member (A)