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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 699 of 2005

Bilaspur, this the 29th day of June, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

Abraham Tirkey, S/o. Shri Joseph
Tirkey, aged about 53 years,
Occupation-service, Presently working
as Senior Goods Clerk (SGC), Office
of the Senior Divisional Commercial
Manager, South East Central Railway,
Bilaspur (Chhattisgarh).

... Applicant

(By Advocate - Shri Amrito Das)

V e r s u s

1. Union of India, through its
Secretary, Ministry of Railways,
Government of India, New Delhi.

2. Sr. Divisional Personnel Officer,
South East Central Railway,
Bilaspur (CG) being the Appellate
Authority.

3. Divisional Railway Manager,
South East Central Railway,
Bilaspur (Chhattisgarh).

... Respondents

(By Advocate - Shri Abhishek Sinha)

O R D E R (Oral)

By A.K. Gaur, Judicial Member -

By means of the aforesaid Original Application the
applicant has prayed for quashing the order dated 18.3.1999
to the extent it declared the applicant unsuitable and
also to quash and set aside the letter dated 3.8.1999 by
which the representation of the applicant was disposed of.

2. When the case was taken up for admission, the learned
counsel for the respondents Shri Abhishek Sinha raised a
preliminary objection that the Original Application filed by
the applicant is grossly barred by time and the same is
liable to be dismissed on preliminary point of limitation
itself. The learned counsel for the respondents has also
invited our attention to the grounds taken in the applica-
tion for condonation of delay and it was argued that period

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of limitation expired much before the applicant suffered paralytic attack and as such the ground taken that the applicant was suffering from severe paralytic attack and was confined to bed is not available to him. The applicant has also filed an extract of the medical certificate in support of his claim. On perusal of the said certificate it appears that the applicant remained under treatment with effect from 7.1.2002 to 4.5.2005. The applicant is challenging the orders dated 18.3.1999 and 3.8.1999 after a lapse of more than 7 years but no reasonable or plausible reasons have been given by him in support of delay in filing the OA. The applicant has given a very weak explanation for the delay caused in the matter. The medical certificate filed in support of the same is also not convincing and trustworthy. In view of the decision rendered by the Hon'ble Supreme Court in 2000 SCC (L&S) 53, R.C. Sharma Vs. Udhamp Singh Kamal and in number of other cases, the applicants case deserves to be dismissed.

3. Accordingly, in view of the above, the Original Application is dismissed as barred by limitation. No costs.

A.K. Gaur
(A.K. Gaur)
Judicial Member

Gowar
(Dr. G.C. Srivastava)
Vice Chairman

"SA"

पृष्ठांकन सं. ओ/न्या....., जबलपुर, दि.....

प्रतिलिपि अध्येतिः—

- (1) सरित, उच्च अाधिकारी व ए प्रतिलिपि, जबलपुर
- (2) आवेदक की प्रतिलिपि/क्रु..... के काउंसल
- (3) प्रधारी की/विभागीय/क्रु..... के काउंसल
- (4) विधायक, लोकालय, जबलपुर ज्ञा/क्रु.....
सूचना एवं अधिकारक दाखिला करें।

Amrit Dasi
Abhijit Singh Bihari
उप रजिस्ट्रर

TS/ed
5/7/06