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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 <sup>for promotion as Head Goods Clerk</sup> 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 application 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. Udham Singh Kamal and in number of other cases, the applicant's case deserves to be dismissed.

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

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

*(Signature)*  
(Dr. G.C. Srivastava)  
Vice Chairman

"SA"

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

पत्तिलिपि अवधि:-

- (1) सचिव, उच्च न्यायालय वार एडमिनिस्ट्रेशन, जबलपुर
- (2) आवेदक को/प्रतिवादी/.....के काउंसल
- (3) प्रत्यक्षी को/दीवानी, खु.....के काउंसल
- (4) न्यायाधीश, न्यायालय, जबलपुर जहाँ फीट  
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

*Issued*  
*5/7/06*