

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**


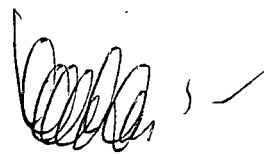
APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p><u>17.08.2009</u></p> <p><u>OA No. 352/2009</u></p> <p>Mr. P.N. Jatti, Counsel for applicant.</p> <p>Heard learned counsel for the applicant.</p> <p>For the reasons dictated separately, the OA is disposed of.</p> <div><div> (B.L. KHATRI) MEMBER (A)</div><div> (M.L. CHAUHAN) MEMBER (J)</div></div> <p>AHQ</p>

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 17th August, 2009

ORIGINAL APPLICATION NO. 352/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Mr. Bhag Chand son of Shri Late Shri Sohan Lal by caste Harijan aged about 58 years, resident of near Sai Baba Temple, Kota Road, Naseerabad. Presently removed from service by Deputy Chief Mechanical Engineer, Ajmer.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Deputy Chief Mechanical Engineer Carriage, North West Railway, Ajmer.
3. Chief Workshop Manager, Loco Workshop. North Western Railway, Ajmer.
4. Chief Workshop Engineer, North West Railway, Head Office, Jaipur.

.....RESPONDENTS

(By Advocate : -----)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) That by a suitable writ/order or the directions the respondents be directed to decide the mercy petition dated 11.2.2009 of the applicant within a reasonable time as the respondents have taken an ample time.
- (ii) Any other relief which the Hon'ble Bench deems fit."



2. From the material placed on record, it is evident that the applicant was removed from service vide order dated 30.09.2005 (Annexure A/2). Statutory appeal filed against the order of the Disciplinary Authority was disposed of and rejected vide order dated 08.04.2006 (Annexure A/4). It is after a lapse of about three years that the applicant has filed a mercy petition dated 11.02.2009 (Annexure A/1) before the appropriate authority which cannot be said to a statutory ~~exercise~~^{remedy} in view of the law laid down in the C. Jacob Director of Geology and Mining and Another, 2008 (2) SCC (L&S) 961, It is not permissible for us to give any direction to the respondents to decide the stale claim of the applicant.

3. With these observations, the OA is dismissed at admission stage with no order as to costs. It is, however, made clear that rejection of this OA will not come in the way of the applicant in case the respondents wants to entertain and decide the mercy petition of the applicant dated 11.02.2009.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ