

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

Original Application No. 97/2011
with Misc. Application No.65/2011

Date of order: 12th August, 2015

CORAM:

HON'BLE MR. JUSTICE HARUN UL RASHID, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

S.C.Goyal s/o Shri H.C.Goyal, aged about 68 years, Retired Superintendent, Customs and Central Excise Department, Jaipur r/o Flat F-2, Plot No.102, Ashram Marg, Nemi Nagar, Vaishali Nagar, Jaipur

.....Applicant

(By Advocate : Mr.Tanveer Ahmed)

VERSUS

1. The Union of India through Secretary to the Govt. of India, Ministry of Finance, Department of Revenue (A.D.V. Section), New Delhi.
2. The Commissioner, Central Excise and Customs, New Central Revenue Building, Statue Circle, Jaipur
3. The Union Public Service Commission through its Secretary, Dholpur House, Shahjahan Road, New Delhi.

.....Respondents

(By Advocate : Mr. V.K.Pareek)

ORDER (ORAL)

The present applicant has filed this Original Application seeking to set-aside Ann.A/1 order dated 10.10.2005 and for directions that the respondents may be directed to release the full pension of the applicant with all consequential benefits which has been withheld by the respondents to the extent of 50% on permanent basis.

2. The applicant stood retired from the post of Superintendent, Customs and Central Excise, Jaipur on 31.08.2002. Disciplinary proceedings were initiated against him in the year 1998 on the allegation of unauthorized absence. A penalty of dismissal from service was inflicted upon the applicant on 22.03.2000. The Appellate Authority rejected the appeal vide order dated 21.06.2001 and confirmed the order passed by the Disciplinary Authority. The said order of rejection was challenged before this Tribunal in Original Application No.26/2002 and this Tribunal vide order dated 29.10.2002 set aside the penalty of dismissal and remitted the case back to the authority for reconsideration and to pass appropriate order of penalty.

3. The respondents in the OA preferred Civil Writ Petition No.4034/2003 before the Hon'ble High Court and the Hon'ble High Court upheld the order of the C.A.T. and dismissed the Writ Petition vide judgment dated 25.03.2004. On the basis of the directions of this Tribunal, the matter was again considered. In modification of the order of penalty of dismissal from service, as the applicant stood retired from 31.08.2002, the Disciplinary Authority imposed a penalty of 10% cut in pension for a period of two years subject to concurrence of the Union Public Service Commission (UPSC). The UPSC observing that the delinquent officer committed grave misconduct in discharge of his duty while in service advised to withhold 50% of monthly pension on permanent basis. On the basis of this advice dated 28.07.2005 (Ann.A/3) of the UPSC, the Disciplinary Authority passed order dated 10.10.2005 whereby penalty of withholding 50% of monthly pension

on permanent basis was imposed and in the order imposing revised penalty the Disciplinary Authority in the light of the advice of the UPSC held that the proven charge constitute grave misconduct.

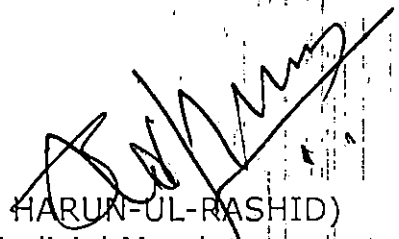
4. As is seen from the order dated 10th October, 2005 (Ann.A/1), the applicant has been punished for his unauthorized absence for a period of 532 days. The applicant remained silent for a period of about 6 years. He had not chosen to challenge the said order before this Tribunal at the appropriate time. A Misc. Application No.65/2011 has been filed to condone the delay in filing the present Original Application. The reason given is that the applicant is a chronic patient of heart and other serious ailments, therefore, he could not approach the Hon'ble Tribunal earlier. On reading of the Misc. Application for condonation of delay, we find that no sufficient reason has been stated in the application for condonation of delay for not prosecuting the matter within a reasonable period. The delay of approximately 6 years is not explained at all. From the facts it is clear that the applicant has never chosen to approach this Tribunal for ventilating his grievances in time. Filing of the OA at such a belated stage, appears to be nothing but an after-thought. The applicant retired from service as Superintendent, Customs and Central Excise and a person holding such a responsible post did not file the OA at the appropriate time and, therefore, we think that he should not be allowed to prosecute the matter after such a long period.

5. In these circumstances, we are not inclined to examine the contentions raised by the counsel for the applicant in this Original

Application. The application for condonation of delay being devoid of merit is dismissed. Consequently, the OA also stands dismissed with no order as to costs.



(MEENAKSHI HOOJA)
Administrative Member



(JUSTICE HARUN-UL-RASHID)
Judicial Member

R/