

OA.No.170/00284/2017/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00284/2017

DATED THIS THE 29TH DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

G.N. Manjunath

S/o H. Nagappa

SE (signal)

Pune Division, Pune

Aged about 50 years

R/a Beside Gowri School

V.V. Puram,

Gowribidnurr – 561 208

Chikballapur District

.....Applicant

(By Advocate Shri M. Kiran Kumar)

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Railways
"Rail Bhavan"
New Delhi – 110 001

2. The Senior Divisional
Signal Telecom Engineer (CO)
Central Railway
Pune Division
Pune – 411 001

3. The Disciplinary Authority,
Central Railway
Bangalore Division
Bangalore – 560 002

4. The Chief Railway Manager
Central Railway
Hubli Division
Hubli – 580 020

....Respondents

(By Shri N. Amaresh, Senior Panel Counsel)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

The applicant would say that on 07.08.2006 orally his services were terminated. The respondents would say that he had been a habitual offender who had been absent for 457 days continually. Thereafter the applicant would

say that he was mentally disturbed by the humiliation and harassment and remained absent and then again joined back to duty on 15.03.2007. Thereafter there is no news about the applicant. He would say that he had filed OA No. 550/2013 which while being considered it became apparent that there was no merit in the OA. Therefore the applicant took permission to withdraw the OA which was allowed and the OA was disposed off on 04.11.2015. Thereafter this matter is now filed after a gap of about 2 years dating from 04.11.2015. Apparently the case of the applicant is that he was mentally infirm and therefore he could not attend to his job. He also would say that one Shri Miraj and Shri Yadav manhandled the applicant on several occasions (the details of which are not available) and thereafter he was treated in NIMHANS at Bangalore. Thereafter he would say that he was given a Fitness Certificate and he had produced it but by then he had already been terminated. This OA is filed on the basis that the liberty is granted with a condition that if it is allowable in law. The termination is dated even according to the contention of the applicant on 07.08.2006. This OA is filed on 18.04.2017. The mental disturbance of the applicant had abated even apparently long back from the filing of the OA therefore because of the long delay we are not in a position to entertain this application. Since on this ground we are disposing off the matter, no other matter relating to merit is being considered.

2. The OA is dismissed. No order as to costs.

(DINESH SHARMA)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00284/2017

Annexure A1 Copy of the order dated 07.08.2006

Annexure A2 Copy of the legal notice dated 24.09.2012

Annexure A3 Copy of the recruitment letter and certificate of the applicant

Annexure A4 Copy of the letter dated 07.10.2005

Annexure A5 Copy of the O.A. No. 550/2013

Annexure A6 Copy of the order in O.A. No. 550/2013 dated 04.11.2015

Annexure A7 Copy of the letter dated 06.02.2016 a/w postal receipts

Annexure A8 Copy of the letter dated 06.09.2016 a/w postal receipts

Annexures with reply statement

Annexure R1 Copy of the Memorandum of Chargesheet

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