

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD**

**MA/21/838/2017**  
in OA No.1108/2017 &  
**OA/21/1108/2017**

**Date of Order : 25.04.2018**

Between:

IM Basha,  
S/o.R.Md. Ishaq,  
Aged about 74 years,  
Occ: Chief Ticket Inspector (Rtd), Railway,  
R/o. H.No.10-3-192/2/5, Flat No.304,  
Hussain Hights Apts, Humayun Nagar,  
Hyderabad – 28.

..... Applicant

AND

1. Union of India rep. by  
The General Manager, SC Railway,  
Rail Nilayam, IIIrd Floor,  
Secunderabad – 500 071.
2. The Chief Commercial Manager /PS,  
O/o. The CCM/SCR/SC, Rail Nilayam,  
1<sup>st</sup> Floor, SCR, Secunderabad – 500 071.
3. The Addl. Divisional Railway Manager,  
Secunderabad – 500 071.
4. The Sr. Divisional Commercial Manager /SC,  
Secunderabad Division, SCR,  
Sanchalan Bhavan, 1<sup>st</sup> Floor,  
Secunderabad – 500 071.

..... Respondents

Counsel for the Applicant	: Mr. R. Mahanty
Counsel for the Respondents	: Mrs. Vijaya Sagi, SC for Railways

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER  
THE HON'BLE MRS. MINNIE MATHEW, ADMN. MEMBER

## **ORAL ORDER**

{ Per Hon'ble Mr.Justice R. Kantha Rao, Judl. Member }

Heard Mr. R. Mahanty, learned counsel appearing for the Applicant and Mrs. Vijaya Sagi, learned Standing Counsel appearing for the Respondents.

2. MA/21/838/2017 is filed u/S 8(4) of C.A.T (Procedure) Rules, 1987 to condone the delay of 13 years 3 months in filing the O.A. Reply Statement has been filed by the Respondents stoutly opposing the Application contending that the delay is inordinate and has not been properly explained.

3. A disciplinary inquiry was initiated against the Applicant while he was working as a Chief Ticket Inspector in Railways. The disciplinary inquiry was concluded and after receiving the inquiry report, the disciplinary authority passed an order dated 12.5.2003 imposing a penalty of reduction of Pay from Rs.7900/- to Rs.7100/- in the grade of Rs.6500-10500/- for the period from 01.05.2003 to 30.01.2004 with cumulative effect. The Applicant challenged the said order in the present O.A. He sought to set aside the order and also sought further relief of re-fixing the pension basing on the order passed in the O.A. It is submitted by the Applicant in the affidavit filed in support of the Application seeking condonation of delay that his wife met with a minor accident during December, 2003 and she was admitted in a local hospital. While undergoing treatment, the doctors found that she had been suffering from chronic diabetes and thus the Applicant submits that he

was involved in serving his wife while undergoing treatment. He also submitted certain medical bills and other medical record showing the medical history post 2012.

4. The point for determination in the M.A, therefore, is whether the delay in filing the O.A. can be condoned. Learned counsel appearing for the Applicant argued that though the Applicant sought re-fixation of Pension, the matter virtually relates to the Pension of the Applicant and, therefore, no time limit can be prescribed for filing the O.A. On the other hand, learned Standing Counsel appearing for the Respondents contended that the basic challenge is to the punishment order passed by the Respondents against the Applicant in the course of disciplinary proceedings and, therefore, the matter cannot be considered as one relating to Pension.

5. As rightly contended by the learned Standing Counsel, the basic challenge is to the punishment order passed against the Applicant which is impugned in the O.A. The re-fixation of Pension would arise only if the Applicant succeeds in the O.A. and the said relief is a consequential relief.

6. The delay of 13 years 3 months is inordinate. The only reason submitted for the delay is the hospitalisation of the wife of the Applicant on account of receiving injuries in a minor accident and it is highly difficult to accept the contention of the Applicant that due to the said cause the delay of 13 years 3 months occurred. A certificate dated 10.2.2012 is also filed by the Applicant which shows that the wife of the Applicant underwent some Unani treatment from 2005-2012 for diabetes, blood pressure and thyroid. We do not think that the said cause prevented

the Applicant from filing the O.A. at appropriate time.

7. The delay, therefore, has not been properly explained by the Applicant and the Miscellaneous Application deserves to be dismissed. Accordingly, the MA is dismissed. Consequently, the O.A. is rejected. No order as to costs.

(MINNIE MATHEW)  
ADMN. MEMBER

(JUSTICE R.KANTHA RAO)  
JUDL. MEMBER

pv