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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3015/2003
M.A.NO.2616/2003

Monday, this the 19th day of January, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.A. Singh, Member (A)

Ghan Shyam, ex. Helper Khalasi,
S/o Shri Churamani,
Quarter No.C&W 3-G,
Line Par, Purana Gash Ghar
Moradabad.

...Applicant

(By Advocate: Shri K.K. Sharma)

· Versus

Union of India-through

1. The General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Additional Divl. Railway Manager,
Northern Railway,
Moradabad (Revisionary Authority).
3. The Sr. Divl. Mech. Engineer,
Northern Railway,
Moradabad (Appellate Authority).
4. The Assistant Mechanical Engineer II,
Northern Railway,
Moradabad (Disciplinary Authority) ... Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant, by virtue of present application, seeks setting aside the order of 24.4.1998 passed by the disciplinary authority imposing a penalty of compulsory retirement and subsequent order passed by the appellate authority and also the mercy appeal which had been filed and dismissed on 27.2.2001.

2. Along with the Original Application, an application has been filed seeking condonation of delay. According to the applicant, he could not file the

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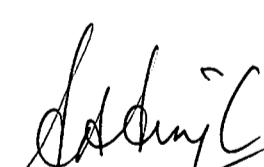
application earlier because faced with the state of penury and the starvation he passed through mental throes and lost his equilibrium and, therefore, in this backdrop this delay should be condoned.

3. Even if we take the period of limitation to run from 27.2.2001, admittedly, it should expire before filing the present application on 11.12.2003.

4. After the limitation has expired, delay can be condoned only on just and sufficient grounds which were beyond the control of the person concerned.

5. In the present case, it has been asserted that the applicant had lost his equilibrium. There is nothing ~~to prove the said fact or~~ on the record to indicate that this fact had been brought to our notice. It is not known as to when the same was restored. It is obvious from the reading of the application itself that there is no good ground for condonation of delay.

6. Resultantly, Miscellaneous Application No. 2616/2003 must fail and is dismissed. Consequently, Original Application also fails and is dismissed ~~in limine~~


(S. A. Singh)

Member (A)

/kdr/


(V.S. Aggarwal)
Chairman