

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (S) No. 6020 of 2015

Bhuneshwar Ram

...

... Petitioner

-V e r s u s-

1. Union of India
2. Sr. Divisional Mechanical Engineer, SER, Ranchi
3. Coaching Depot Officer, SER, Ranchi
4. Additional Divisional Mechanical Engineer,
South Eastern Railway, Ranchi

... Respondents

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CORAM: - HON'BLE MR. JUSTICE APARESH KUMAR SINGH
HON'BLE MR. JUSTICE Dr. S. N. PATHAK

...

For the Petitioner : - None.

For the Resp.-Railway : - M/s Mahesh Tiwari,
Abhishek Kr. Dubey & Md. Shahabuddin, Advs.

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07/06.04.2017 No one appears for the petitioner. Counsel for the respondent-Railway is present. Counter affidavit has also been filed on their behalf.

Impugned order dated 09.07.2015 passed by the learned Central Administrative Tribunal, Circuit Bench, Ranchi in OA/051/00173/2014 reads as under:-

"The learned counsel for the respondents has raised the preliminary objection on limitation. It is noted that though, the applicant has challenged the punishment order dated 14.09.2010, whereby he was punished for compulsory retirement but no such order has been enclosed in the OA. However, the revisional authority order dated 11.04.2011-even was passed which is not under challenge and after long four years he has filed the instant application with no petition for condonation of delay.

In view of the above, we do not find any reason to entertain this OA.

Therefore, OA is dismissed on the ground of limitation."

On perusal thereof, it is evident that petitioner was in full knowledge of the order of punishment dated 14.09.2010 as he also preferred an appeal before the Disciplinary Authority. The Disciplinary Authority upheld the order of punishment vide order dated 17.01.2011, which is at Annexure-D to the counter affidavit. Petitioner thereafter also preferred a revision, which was again rejected vide order dated 11.04.2011, Annexure-E. The applicant challenged the order dated 14.09.2010 whereby punishment of compulsory retirement was imposed upon him in Original Application filed in 2014 before the learned Central Administrative Tribunal without even seeking condonation of delay in filing the application after four years, though there is limitation of one year to move before the learned Central Administrative Tribunal from the date of cause of action under Section 21 of the

Administrative Tribunals Act, 1985. It is also clear that order dated 11.04.2011 passed by the Revisional Authority has not been challenged by the applicant before the learned Central Administrative Tribunal.

The grounds for rejection of the Original Application are, therefore, unexceptionable. No infirmity is found in the impugned order. Accordingly, the writ petition is dismissed.

(Aparesh Kumar Singh, J.)

(Dr. S. N. Pathak, J.)

Kamlesh/