

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition No.23121 of 2019

V.Krishnaraju

.... Petitioner

Vs

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai - 600 104.
2. The Chief Educational Officer,
Government of Puducherry,
Puducherry.
3. Director of School Education,
Government of Puducherry,
Kamarajar Colony Education Complex,
Puducherry.
4. The Principal Secretary to Government,
Chief Secretariat (Education),
Govt. of Puducherry, Puducherry.

.... Respondents

PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorari calling for the records connected with the order dated 23.07.2018 on the file of the learned Central Administrative Tribunal Madras Bench, M.A.No.700 of 2011 in & O.A.No.293 of 2013 on the file of the Central Administrative Tribunal, Madras Bench, quash the same and allow the application in M.A.No.700 of 2011 in & O.A.No.293 of 2013 on the file of the Central Administrative Tribunal.

For Petitioner : MrV.Premkumar

For Respondents: Mr.Syed Mustafa
Special Government Pleader (P) R2 to 4

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The Original Application filed by the petitioner before the Madras Bench of the Central Administrative Tribunal along with a Miscellaneous Application in M.A.No.700 of 2011 to condone the delay of 10 years was dismissed by the Tribunal on the ground of delay and laches. Feeling aggrieved, the petitioner is before this Court.

2. The learned counsel for the petitioner contended that the petitioner was away at #8, Place des Tilleuls RDC, 94470-Boissy Saint Leger, France taking treatment and as such, he was not in a position to move the Central Administrative Tribunal within a reasonable period. According to the learned counsel, the request of the petitioner is only to convert the punishment into one of compulsory retirement. It was further contended that the Tribunal was not correct in dismissing the application for condoning the delay.

3. The petitioner was an employee of the Education Department at Puducherry. He was a Secondary Grade Teacher. The Education Department initiated disciplinary proceedings against him and ultimately the petitioner was dismissed from service by order dated 24.01.2000. The petitioner appears to have filed an appeal against the said order. The appeal was dismissed by order dated 30.09.2002. Thereafter, no further action was taken by the petitioner.

4. The petitioner for the first time approached the Tribunal in the year 2013 with a grievance that the authorities were not correct in imposing the punishment. He also wanted the Tribunal to condone the delay of 10 years.

5. We have perused the materials available on record. Even according to the petitioner, the Public Information Officer attached to the office of the Chief Educational Officer by proceedings dated 25.11.2009 informed him about the disposal of his appeal way back on 30.09.2002.

6. For the reasons best known, no action was taken by the petitioner within a reasonable period to challenge the order passed by the disciplinary authority and the subsequent order passed by the appellate authority. There are no documents to show that the petitioner was taking continuous treatment on account of a particular illness. In any case, it cannot be said that he was on treatment for a period of 10 years. No

acceptable evidence was produced before the Tribunal justifying the delay in filing the application. We are therefore of the view that the Tribunal was justified in dismissing the Miscellaneous Application.

7. We therefore dismiss the Writ Petition. No costs.

Sd/-
Assistant Registrar(Insp. Cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai - 600 104.
2. The Chief Educational Officer,
Government of Puducherry,
Puducherry.
3. Director of School Education,
Government of Puducherry,
Kamarajar Colony Education Complex,
Puducherry.
4. The Principal Secretary to Government,
Chief Secretariat (Education),
Govt. of Puducherry, Puducherry.

+1cc to Mr.V.V.Sairam, Advocate, S.R.No.67469
+1cc to the Government Pleader, S.R.No.67705

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GP(CO)
CS/09/10/2019

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