

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.7807 of 2019

Sudhakar s/o Jagannath Sontakke

...Petitioner

Versus

Union of India, through General Manager, Central
Railway, Nagpur and others

...Respondents

Shri N.S. Warulkar, Advocate for the Petitioner

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 11 FEBRUARY 2021

P.C.:

Heard learned counsel for the Petitioner.

2. The learned counsel for the Petitioner states that the Petitioner has filed a Pursis on 10 February 2021 pursuant to the order passed on 28 January 2021 by which the learned Counsel had taken time to prepare a compilation of Medical Certificates which the Petitioner stated to have produced before the Central Administrative Tribunal. The Pursis has been tendered in the Court.

3. The Petitioner was appointed in the year 1995 on the post of 'Khalashi' and he was promoted as 'Helper'. A Charge-sheet was issued

against the Petitioner on 17 January 2006 on the ground of authorized absence. Thereafter the Petitioner was dismissed from the service on 05 June 2006. The Appellate Authority modified the punishment and reverted the Petitioner. The Petitioner thereafter filed a Revision Application, which was dismissed on 15 April 2015 and thereafter the Petitioner approached to the Central Administrative Tribunal challenging his reversion, which has been dismissed by the impugned order.

4. The Central Administrative Tribunal, apart from commenting on the merits of the action taken against the Petitioner, has also noted that Second Appeal/Revision filed by the Petitioner was beyond the period of limitation and there were a delay of almost five years. The Central Administrative Tribunal found that the dismissal of the Second Appeal on the ground of delay was justified.

5. We have perused the Medical Certificates on record. The learned Counsel for the Petitioner accepts that the Medical Certificates were not of the periods between 2008 to 2014 i.e. period of five years delay and this fact is noticed by the Central Administrative Tribunal. Once that be the position, we do not find that there is any perversity committed in coming to the conclusion that the delay was not properly explained by the Petitioner. The contention of the learned counsel for the Petitioner that earlier medical conditions continue, cannot be accepted as nothing stop to the Petitioner from producing the documents in support of the same which the Petitioner has failed to do so. In these circumstances, no interference is warranted.

6. The Writ Petition is accordingly rejected.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]