

Court No. - 2

Case :- WRIT - A No. - 3895 of 2024

Petitioner :- Surendra Kumar

Respondent :- Union Of India Thru. General Manager North Central Railway , Allahabad And Others

Counsel for Petitioner :- Avdhesh Kumar

Counsel for Respondent :- A.S.G.I.

Hon'ble Rajan Roy,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the petitioner and Sri S.B. Pandey, learned Senior Advocate & DSGI assisted by Sri Varun Pandey, learned counsel for the opposite parties.

2. The petitioner had filed an Original Application bearing no.138 of 2023 challenging the orders dated 19.07.2011 and 24.10.2011 by which the petitioner was dismissed from services on the ground of unauthorized absence and thereafter the appeal was also dismissed. It was contended that the appellate order was not served upon the petitioner and the same was provided to him only under an application submitted under the Right to Information Act 2005, therefore the original application was filed, however, in 2023.

3. Learned counsel for the other side has submitted that application for condonation of delay filed with the Original Application has been dismissed on the ground that the explanation for the delay has not been found to be satisfactory.

4. We have perused the impugned order dated 19.12.2023. Assuming that the appellate order dated 24.10.2011 was not served upon the petitioner and the same was provided to him only in the year 2017, however, there can be no explanation as to why such inquiry was not made prior to 2017 but even if this aspect is ignored for a moment, there is no explanation, much less a satisfactory one, for filing the original application 5 years from the date of such knowledge i.e., in 2023. The only contention is that the petitioner is a poor person and the covid-19 pandemic. However, the covid-19 pandemic had set-in sometime in early 2020 which does not explain the delay prior to it.

5. Looking into the facts of the case, the delay is inordinate and the explanation given is not satisfactory as has rightly been

opined by the Tribunal therefore its judgment does not require interference.

6. Accordingly, the writ petition is **dismissed**.

[Om Prakash Shukla,J.] [Rajan Roy,J.]

Order Date :- 21.5.2024

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