

Central Administrative Tribunal
Principal Bench

O.A. No. 1909 of 2002

New Delhi, this the 22nd day of August, 2002

HON'BLE MR.KULDIP SINGH, MEMBER (J)

Pradeep Kumar
S/o Shri Sita Ram
Ex.Farash in the Ministry of
Urban Development, Government of India,
New Delhi.

C/o Shri Devi Ram,
House No.27, Gali No.5,
J.Extension, Laxmi Nagar,
New Delhi-110091.
(By Advocate: Shri K.K.Puri)

...Applicant.

Versus

The Union of India,
Through the Secretary,
Ministry of Urban Development,
Government of India,
Nirman Bhawan,
New Delhi.

...Respondent.

ORDER(ORAL)

Heard learned counsel for the applicant.

2. The applicant was appointed as Peon on compassionate grounds. On 14.12.1992, the services of the applicant had been terminated. He filed an appeal against the termination order which was rejected by the appellate authority. Thereafter, applicant filed an OA 289/1993 which was dismissed vide order dated 21.5.1998. The applicant has thereafter filed this OA challenging the order of termination as well as the order passed by the appellate authority. Learned counsel for the applicant submits that the earlier order passed by this Tribunal in OA 289/1993 dismissing it, did not discuss the issue of



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termination. In that order, Tribunal had considered only one aspect of the OA, i.e. relating to the eviction from the Government accommodation.

3. Though, a perusal of the order stated that the Tribunal had concentrated more on the point of eviction order made by the respondents and no discussion was made ~~therein with regard to~~ termination of the applicant. However, on an enquiry, learned counsel of the applicant did not inform that why he has annexed alongwith the OA the order passed in earlier OA and why he had not raised the issue of termination in the earlier OA. The applicant has filed second OA on the same issue.

4. Beside that, ⁱⁿ the present OA, applicant has challenged the order dated 15.1.1993 and order dated 14.12.1993 whereas the OA has been filed on 22.7.2002. An application for condonation of delay has also been filed. After perusal of the MA with regard to the condonation of the delay, I find that the applicant gathered information that it would take some more years to finalise the case and it could not be foreseen as to ^{when} his OA will come for hearing, as such, it was stated that the applicant should not suffer due to void created by the death of his counsel and that is why he has filed ^{an} application for condonation of delay. It might be that the applicant

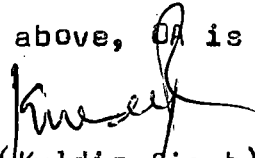
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a had filed an OA earlier challenging the same order which he has again challenged in the present OA and has again raised the same issue. Even if the earlier OA had not decided the issue with regard to termination, the remedy available to the applicant was, therefore, not to file second OA, hence the OA filed ~~xxxx~~ by the applicant has become time barred. Moreover, the applicant has not been conscious about his right and even if he has to file another OA the same should have been filed within time. Accordingly, OA has to be dismissed.

5. In view of the above, OA is dismissed. No costs.


(Kuldip Singh)
Member(J)

/kd/