

Central Administrative Tribunal
Principal Bench

O.A. No. 780 of 2002

1st APRIL

New Delhi, dated this the ~~second~~ ~~fourth~~, 2002.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN (J)

J.S.Thakur,
UDC Office of the Registrar,
News Paper of India,
West Block 8,
Wing No.2, R.K.Puram,
New Delhi
(By Advocate: Shri M.L.Chawla)

...Applicant.

Versus

1. Union of India,
Ministry of Information & Broadcasting,
Shastri Bhawan,
New Delhi.
2. Registrar of News Paper of India,
Ministry of Information & Broadcasting,
West Block 8,
Wing No.2, R.K.Puram,
New Delhi.
3. The Secretary,
Department of Personnel & Training,
Ministry of Personnel,
Public Grievances & Pensions,
North Block,
New Delhi-1

Respondents.

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 16.5.77 (Annexure A-1) and seeks a direction to respondents to restore his status and headquarter, with consequential benefits.

2. We have heard applicant's counsel Shri Chawla.

3. We notice that the impugned order dated 16.5.77 is grossly time barred and is hit by lack of jurisdiction as well as by limitation under Section

21 AT Act. When we asked Shri Chawla why applicant had not impugned the aforesaid impugned order dated 16.5.77 within time, the explanation given by him was that as applicant was under suspension, he could not challenge the aforesaid order. In this connection we notice from Para 4.3 of the OA that applicant was placed under suspension w.e.f. 29.3.82 and that suspension period continued till 10.12.96. No plausible explanation has been given to us as to why applicant did not challenge ^{the} impugned order dated 16.5.77 between that date and 29.3.82, or indeed between 10.12.96 till date. Indeed even if applicant was under suspension between 29.3.82 and 10.12.96 there is nothing which has been shown to us ^{to establish} that he was legally precluded from challenging the aforesaid order dated 16.5.77 during the aforesaid suspension period.

4. Having regard to the provisions of Section 21 AT Act, the OA is therefore dismissed in limine.

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

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