

**CENTRAL ADMINISTRATIVE TRIBUNAL****CHANDIGARH BENCH****O.A. No.060/00129/2020**

Chandigarh, this the 25th February, 2020

**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A)**

Birbal Kumar, aged 59 years, S/o Sh. Prem Parkash Goyal, R/o Village and Post Office Ahemadgarg, Sangur – 148021 (Group B)

....Applicant

(BY: MR. G.C. Babbar, ADVOCATE)

Versus

1. Union of India through Secretary, Government of India, Ministry of Housing and Urban Affairs, Nirman Bhawan, Maulana Azad Road, New Delhi – 110011.
2. Director General, Central Public Works Department, Government of India, Nirman Bhawan, New Delhi-110011.
3. The Superintending Engineer, Government of India, CPWD, Shimla Central Circle, Shimla – 171004.
4. Chief Engineer (Head Quarters), Government of India, O/o Directorate General, Central Public Works Department (EC-III) Section, Nirman Bhawan, New Delhi – 110011.
5. The District Valuation Officer, Income Tax Department, SCO No. 45, Second Floor, Sector 31-D, Chandigarh – 160047.

... .Respondents

O R D E R(Oral)

SANJEEV KAUSHIK, MEMBER (J):

1. This O.A. has been filed by the applicant impugning the orders dated 23.12.1998 (Annexure A-1) and dated



17.01.2019 (Annexure A-2), whereby the respondents have inflicted punishment of treating the period from 07.08.1992 to 09.07.1997 as dies non. Along therewith, he has filed an M.A. (NO. 060/00300/2020) for condonation of delay of 7335 days in the filing the O.A.

2. Heard.

3. Learned counsel admitted that the impugned order (Annexure A-1) was passed way back in 1998. He had filed a Review Application, which was not decided earlier, has now has been decided vide order dated 17.01.2019, therefore, he has filed the present O.A. In support of his plea to condone delay, learned counsel has placed reliance upon a judgement of the Hon'ble Supreme Court of India in the case of **Collector Land Acquisition, Anantnag and Another Vs. Mst. Katiji and Others**, 1987 AIR 1353.

4. After having gone through the pleadings available on record and hearing learned counsel for the applicant, we are of the view that such huge delay cannot be condoned and the O.A. deserves to be dismissed on the ground of delay. The impugned order inflicting the punishment was passed in the year 1998 and if the applicant had any grievance against that order, he could have challenged it before the Court of Law at that time. Even if his Review



Application filed with the authorities was not decided within six months, he had the remedy of approaching this Court, but he did not avail that of and kept on waiting for long 21 years. The O.A., filed at such belated stage cannot be accepted. We are fortified by a recent judgment of the Hon'ble Supreme Court in the case of **Prahlad Raut Vs. AIIMS**, 2020 (2) SLR 431, wherein Lordships have thread barely considered the entire law on the issue and have held that making a representation will not extend limitation. The cause of action accrues on the date when the order is passed and the appeal/representation, provided under law, is disposed of. In case such order is not passed then the cause of action shall accrue on the expiry of six months from the date of filing of such appeal/representation. The submission of just representation to the Head of the Department shall not be taken into consideration in the matter of fixing limitation.

5. Instead of availing the remedy of appeal against the order of Disciplinary Authority, the applicant chose to file a Review Application without there being any provision under the Rules, which has now been disposed of vide order dated 17.01.2019 (Annexure A-2) informing that there is no provision for filing a Review Application and



his case has already been closed, therefore, this order will not give a fresh cause of action to agitate the matter. The O.A., therefore, is time barred and is dismissed as such. MA No. 060/00300/2020 stands dismissed.

(NAINI JAYASEELAN)
Member (A)

(Sanjeev Kaushik)
Member (J)

Place: Chandigarh
Dated: 25.02.2020.

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