

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

RA/310/0002/2019 in OA/310/01330/2018

Dated the 9th day of January Two Thousand Twenty

P R E S E N T

**Hon'ble Mr.P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

G.Vijayakumar,
S/o late S.Ganapathy,
C/o Irulandi,
No.3/944, Pilliyarkoil Street,
Mettupakkam, Thorapakkam Post,
Chennai-79.
By Advocate M/s.P.Ulaganathan

.. Applicant/Applicant

Vs.

1. Union of India, rep by
The Secretary,
Department of Legal Affairs,
M/o Law & Justice,
Shastri Bhawan,
New Delhi 110 011.
2. The Additional Legal Adviser,
Department of Legal Affairs,
M/o Law & Justice,
III Floor, Shastri Bhawan,
26, Haddows Road,
Chennai 600 006. .. Respondents/Respondents

ORDER
(Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

The applicant in OA 1330/2018 has filed this RA 2/2019 seeking review of the order passed by this Tribunal in the above said OA dated 09.1.2018 which was dismissed for latches and limitations.

2. The RA applicant was working as an adhoc Peon in the respondents' Department. His appointment was being extended every 6 months. In the meanwhile he got involved in a crime wherein it was alleged that he alongwith other accused caused the murder of his father and the police arrested him on 21.8.06 and he was released on 02.11.06. The adhoc appointment was valid even on 02.11.06. But when he approached the respondents on 06.11.06, they did not permit him to join duty. He, therefore, waited for the disposal of his Criminal Case and the Court acquitted him giving benefit of doubt on 18.11.09. The applicant again gave a representation for reinstatement on 03.3.2010. He again gave a representation on 19.9.11. The respondent did not give any reply. Then he filed OA 7/2012 with a prayer for direction to dispose of his representations. The said OA happened to be dismissed for default.

3. He again filed a representation on 07.5.18 and approached this Tribunal by filing OA 741/2018 and as per the request of the applicant, the Tribunal directed the respondents to consider and pass orders on the representation. The respondents gave a detailed reply on 18.7.18 rejecting his representation stating that his adhoc appointment had come to an end.

4. Thereupon the applicant came up with the OA 1330/2018. This Tribunal heard the applicant. It was found that the cause of action for this OA arose in the year 2009 when he was acquitted in the Criminal Case. The respondents stated that the OA filed earlier as 7/2012 happened to be dismissed for default. Thereafter, instead of applying for restoration of the OA dismissed, he gave another representation on 07.5.18 and sought for filing an OA on the basis of the rejection order dt. 18.7.18. Even according to the applicant, the respondents had rejected his representation when OA 7/12 was filed. But he did not opt to file OA on the basis of that rejection. It is clear that more than 9 years had passed after the acquittal and the applicant had not taken any serious steps to agitate his rights in time. The original cause arose in 2009 and thereafter his representation was rejected when OA 7/2012 was filed.

5. We had considered all these aspects and found that the new OA 1330/18 is barred by limitation and latches committed by the applicant. We could not find any error apparent on the face of record in the order. Nothing new was brought before this Tribunal giving rise to a review of order passed in OA 1330/2018 dt. 09.1.2018.

6. Hence we find no merit in this RA and it will stand dismissed.

(T.Jacob)
Member(A)

09.01.2020

(P.Madhavan)
Member(J)

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