

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

**ORIGINAL APPLICATION No.210/00060/2020
(with MA No.210/00039/2020)**

Dated this Tuesday, the 28th day of January, 2020

**CORAM : R.VIJAYKUMAR, MEMBER (ADMINISTRATIVE)
R.N.SINGH, MEMBER (JUDICIAL)**

Aatish B. Bhunu, Aged 40 years,
lastly working as Assistant Fireman in the Commodore of Yard
Department under Admiral Superintendent, Naval Dockyard,
Shahid Bhagat Singh Marg, Mumbai 400 001
and residing at Bhunu House, Patil Galli No.3, Pandurang Ramle Marg,
Versova Koliwada, Versova, Andheri West, Mumbai 400 061- **Applicant**
(By Advocate Shri Ramesh Ramamurthy)

VERSUS

1. Union of India through the Secretary, Ministry of Defence,
Government of India, South Block, New Delhi 110 001.
2. The Flag Officer Commanding in Chief,
Western Naval Command, Headquarters, INS Angre,
Shahid Bhagat Singh Marg, Mumbai 400 001.
3. The Admiral Superintendent, Naval Dockyard,
Shahid Bhagat Singh Marg, Fort, Mumbai 400 023.- **Respondents**

ORAL ORDER

Per : R.N.Singh, Member (Judicial)

Heard Shri Ramesh Ramamurthy, learned counsel for the applicant.

2. In the present application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 16.06.2012 (Annexure A-1) by which the respondents have terminated the services of the applicant with effect from 18.06.2012 in terms of the proviso contained at paragraph No.5 of the Naval Dockyard, Mumbai Appointment order No.DYP/P/9496/COY/ENGINE dated 05.02.2009. It is contended therein by the respondents that the Caste Validity Certificate dated 31.12.2008 produced by the applicant was found to be bogus. The applicant has further challenged the order dated 31.12.2012 (Annexure A-2) by which the Appellate Authority

has rejected the appeal preferred by the applicant against the termination order dated 16.06.2012. The applicant has also filed MA No.39/2020 seeking condonation of delay in filing of the aforesaid Original Application. In the present MA, the applicant has sought condonation of delay of 56 months in filing of the present OA. The grounds taken to seek the condonation of delay is that the action taken by the respondents was sudden and without adopting procedure of enquiry and he had completed four years of service in Central Government and he was mislead by seniors and some union officials in the Naval Dockyard. The applicant has further claimed that applicant had moved to learned Sessions Court for anticipatory bail which was granted to him on 04.06.2014 with certain condition and he was being regularly investigated by Colaba Police Station for a few years till about 2018 and therefor the applicant was being regularly called by the said Police for investigation. He further contends that the applicant was also busy in doing some odd jobs in order to earn livelihood and to sustain his family and in this background, the applicant has sought the condonation of delay. There cannot be any quarrel about jurisdiction of the Tribunal under Section 21 of the Administrative Tribunals Act, 1985, this Tribunal may condone the delay caused in approaching the Tribunal. However, it is the settled law that reasons seeking condonation of delay must be sufficient and good ground. The applicant is required to some reasons beyond his control which have prevented him in approaching the Tribunal. Further, the grievance of the applicant is that aggrieved of the aforesaid impugned order the applicant has filed further Review Petition in March, 2013 (Annexure A-19) and the same has not been disposed of till date. Further ground is that he has been waiting the outcome of the aforesaid Review Petition.

3. In the aforesaid background of the settled law, we have considered the contentions made by the learned counsel for the applicant to seek condonation

of delay. The applicant has sought 56 months of delay whereas on face of it and also admitted it is apparent the cause of action arose to the applicant at least 84 months prior to his filing of the present Original Application. It is the admitted case of the applicant that the impugned orders have not been passed suddenly.

4. The applicant has joined the Police investigation and even he has approached the Learned Sessions Court for the relief(s) in the criminal case in which he has succeed by way grant of Bail. Meaning thereby the applicant was well versed with legal provisions and the investigation and his rights under the law to approach the Courts and Tribunal. He further contends that the applicant has been doing some odd jobs to earn livelihood in order to sustain his family. But he has chosen not to approach this Tribunal or any legal forum of competent jurisdiction against his termination from the services of the respondents.

5. The aforesaid facts clearly indicate that reasons or justification for not approaching this Tribunal all along for around 84 months had not been beyond his control. Mere filing of review application that too in March 2013 and awaiting response thereon will also not extend the period of limitation. The present MA appears to be a mere formality in order to seek the indulgence of the Tribunal which cannot be granted in the facts and circumstances.

6. Accordingly, the MA fails and same is dismissed.

7. In view of the aforesaid, the OA also fails and is dismissed.

8. However, in the facts and circumstances, no order as to costs.

(R.N.Singh)
Member (Judicial)

(R.Vijaykumar)
Member (Administrative)

lmg*

JD
05/02

