

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.2177/2001

New Delhi, this 5th day of October 2001

HON'BLE MR. JUSTICE B. DIKSHIT, VICE CHAIRMAN (J)  
HON'BLE MR. V.K. MAJOTRA, MEMBER (A)

S.P.N. Bhambi  
1667, NAI Sarak, Delhi-110006.

... Applicant  
(By Advocate: Mrs. Rani Chhabra)

V E R S U S

1. Union of India  
Through Ministry of Law, Justice and Company Affairs,  
Department of Legal Affairs,  
Shastri Bhawan, Dr. Rajender Prasad Road,  
New Delhi-110001.
2. The Deputy Secretary to Government of India  
Ministry of Law, Justice and Company Affairs,  
Department of Legal Affairs,  
Shastri Bhawan, Dr. Rajender Prasad Road,  
New Delhi-110001.

... Respondents

ORDER (ORAL)

By Justice B. Dikshit, Vice Chairman (J):

The applicant has filed this application against the order dated 14.6.1994 passed by the respondents. He has alleged that the order was passed by respondents in compliance of order dated 17.7.1991 passed by Central Administrative Tribunal, Mumbai Bench in OA No.333/1989. He was legally advised to file a review petition before the same Bench, as the order passed in OA was not complied with as per directions. As it was a belated application for review, it appears from the order of Mumbai Bench that an application for condonation of delay was ~~not~~ filed. The review was dismissed on the ground of limitation as well as on merits. As on merits, the Mumbai Bench observed that a fresh cause of action has arisen on merits and, therefore, the matter cannot be gone into in review. Hence, the applicant has

*B. Dikshit*

preferred this OA on 23.8.2001. The present OA is accompanied with an application for condonation of delay.

2. We have heard the counsel for the applicant and perused the record available on records.

3. We are not satisfied that any sufficient cause is made out for condonation of delay. Admittedly, the cause of action had arisen on 14.6.1994. The belated application for review was filed before the Mumbai Bench which rejected the review petition on the ground of limitation besides on merits on 17.8.1998.

4. Under such circumstances, the delay between 14.6.1994 and 17.8.1998 cannot be condoned. Even otherwise, the order was passed by the Mumbai Bench on 17.8.1998 while this OA has been filed on 28.8.2001 and explanation for condonation of delay for filing the present OA for the said period has also not been sufficiently explained. According to the applicant, his lawyer did not inform him of the decision dated 17.8.1998 of the Mumbai Bench and he came to know about it only in September 2000. There is no explanation for not filing the OA soon after coming to know about by the applicant of the aforesaid order of the Mumbai Bench. A litigant, who comes to a Tribunal for condonation of delay should be prompt to approach the Tribunal at the earliest opportunity in a matter where limitation also stood expired. In absence of any explanation for the period between September 2000 and the date of filing of the OA in August 2001, we are not satisfied that there is sufficient cause of action for condonation of delay.

*A. Venkateswaran*

(3)

(9)

The learned counsel for the applicant did argue that the applicant has came to Court after being transferred to Delhi. The learned counsel has further argued that he could not know about the order passed in 1998 for the reasons that the applicant was not in Delhi, in view of the said transfer.

5. As already observed earlier, the applicant has came to know about the aforesaid order in September 2000, thus, we are not inclined to grant condonation of delay. The MA filed for condonation of delay is, therefore, rejected. The OA is dismissed as barred by limitation at the admission stage itself. No costs.

V.K. Majotra

(V.K. MAJOTRA)  
MEMBER (A)

B. Dikshit

(B. DIKSHIT)  
VICE-CHAIRMAN (J)

/ravi/

Copy of Order/Stay/Final Draft

NDOH

DATED

FROM

THE REGISTRAR (GENERAL)  
DELI HIGH COURT  
NEW DELHI

TO

1. Union of India, through the Secretary to the Govt., Ministry of Law, Justice & Company Affairs, Department of Legal Affairs, Govt., of India Shastri Bhawan, Dr. Rajendra Pd. Road New Delhi-1
2. The Dy. Secretary to the Govt., of India Ministry of Law, Justice & Company Affairs, Department of Legal Affairs, Govt., of India Shastri Bhawan, Dr. Rajendra Pd. Road, New Delhi-1
3. The Registrar, Central Administrative Tribunal Faridkot House, New Delhi.

Petition against the order dt. 5.10.2001 passed by Central Adm. Tribunal Sh. B.Dikshit, in A.O. No.-2177/2001.

CIVIL MSC. PETITION NO.

IN/AND

WRIT PETITION (C) NO.

6684/2002

Sh. S.P.N. Bhambi

PETITIONER/S

VS.

RESPONDENT/S

Sir,

In continuation of this Court's letter No. dated I am directed to forward for information and immediate compliance/necessary action a copy of order dt. 2.3.2005 passed by Hon'ble Mr. Justice / a Division Bench of this Court in the above noted case alongwith a copy of Memo of Parties.

Please acknowledge receipt.

Yours faithfully,

*Abu*

CAT (PBB) New Delhi

Recd. No. ....

Date -

Adm. Officer/Asstt. Registrar (W)  
for Registrar

2005  
2005  
2005

18/3

Received

Recd 28/3

IN THE HIGH COURT OF DELHI AT NEW DELHI  
CIVIL WRIT JURISDICTION  
CIVIL WRIT PETITION NO. 1667 OF 2002

IN THE MATTER OF

Shri S.P.N. Bhambi .. Petitioner

Union of India & Anr. .. Versus .. Respondents

MEMO OF PARTIES

IN THE MATTER OF

Shri S.P.N. Bhambi,  
Superintendent (legal)  
Ministry of Law, Justice & Company Affairs,  
Govt. of India,  
New Delhi.

r/o 1667, Nai Sarak,  
Delhi 110006. .. PETITIONER

.. Versus ..

1. Union of India  
through the Secretary to the Govt.,  
Ministry of Law, Justice & Company Affairs,  
Department of Legal Affairs,  
Govt. of India,  
Shastri Bhavan,  
Dr. Rajendra Pd. Road,  
New Delhi-110001.

2. The Dy. Secretary to the Govt. of India,  
Ministry of Law, Justice & Company Affairs,  
Department of Legal Affairs,  
Govt. of India,  
Shastri Bhavan,  
Dr. Rajendra Pd. Road,  
New Delhi-110001.

RESPONDENTS

New Delhi

Dated : 11-10-2002

TRUE COPY

EXAMINER

Filed By

(Abhay N.Das) (Arati Mahajan)

Advocates for the Petitioner

348, Lawyers' Chambers,

N.D.-3

02-3-2005

Present Mr.T.M.Rangathan for the petitioner.  
Mr.Kailash Gambhir with Mr.Gaurav Sharma  
for the respondent.

+ WP (C) No.6684/2002  
\*

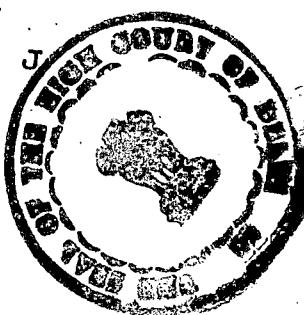
This petition has been filed impugning the order passed by the Central Administrative Tribunal dated 5<sup>th</sup> October, 2001 in the O.A. filed for condonation of delay. The Tribunal has dismissed the O.A. on the ground that cause of action has arisen initially on 14<sup>th</sup> June, 1994 and the review application was filed by the petitioner before the Mumbai Bench on 17<sup>th</sup> August, 1998 on the ground of limitation as well as on merits.

As per the stand of the petitioner, the petitioner came to know about the dismissal of the said review application in September, 2000. The Tribunal observed that there was no explanation by the petitioner to explain the delay in filing the review application after coming to know in 2000. There is no merit in the petition.

Dismissed.

Sd/-  
Vijender Jain, J

Sd/-  
J.P. Singh, J



March 2, 2005  
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