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Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.779/2001

Friday, this the 23rd day of November, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

T.K. Radhakrishnan
UDC
DCAS/D Plans
Air Head Quarter
Vayu Bhavan, New Delhi

..Applicant

(By Advocate: Shri K.Rajeev)

Versus

1. Union of India
through its Secretary
Ministry of Defence
South Block
New Delhi
2. Dy. Chief Administrative Officer &
Joint Secretary (Trg.)
Ministry of Defence
C-II, Hutments
Dalhousie Road
DHQ PO,
New Delhi-11.
3. Chief Administrative Officer &
Joint Secretary (Trg.)
Ministry of Defence
C-II, Hutments
Dalhousie Road
DHQ PO,
New Delhi-11.
4. Adjutant General (PS) 4,
Sena Bhawan
New Delhi
5. AOP (Air Officer in charge Personal)
Directorate of Personal Officers
AIR HQ,
Vayu Bhawan
New Delhi

..Respondents

(By Advocate: Ms. Harvinder Oberoi)

O R D E R (ORAL)

Heard the learned counsel on either side.

2. The learned counsel appearing on behalf of the respondents has raised ^{ra} ~~the~~ preliminary objection stating that the present OA is wholly time barred and, in the
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circumstances of this case, the MA, being MA-654/2001, filed on behalf of the applicants for condonation of delay cannot be accepted. I have, therefore, found it necessary to take up the question of limitation first.

3. The learned counsel appearing on behalf of the applicant submits that an abnormal delay of over six years has admittedly taken place in filing the present OA after the appellate authority passed orders dated 29.8.1995. The reason for delay, however, is that, in the meanwhile, the applicant has gone on making representations one after the other in the matter of non-payment of salary to him for the period from 31.12.1993 to 28.3.1994 without any success. Furthermore, it was only in due course that the applicant was advised to approach this Tribunal for a remedy against the aforesaid order dated 29.8.1995. The applicant is a poor person and was not in a position to ascertain the actual legal position with regard to limitation. Hence the delay.

4. I have considered the submissions made by the learned counsel on either side and find that the justification advanced in favour of condonation of delay is the least satisfactory. Section 21 of the Administrative Tribunals Act, 1985 makes a clear provision in this regard, and the same has to be enforced unless exceptional circumstances are found to exist which would justify delay. ~~No~~ ^{such} circumstance has been shown to exist in the present case which would justify the delay. The MA is, in the circumstances, in my view, time barred and deserves to be dismissed on this ground alone. I,

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therefore, do not consider it necessary to go in to the merits of the case.

5.. The present OA is dismissed as time barred without any order as to costs.

(S.A.T. Rizvi)

(S.A.T. Rizvi)
Member (A)

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