

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1206/1999

New Delhi, this 10th day of March, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastri, Member(A)

Onkar Dutt
768, Gali No.15
Adarsh Muhala, Vijay Park
Mospur, Delhi-53 .. Applicant

(By Shri M.P.Raju, Advocate, through proxy
counsel Shri M.L. Ohri)

versus

Union of India, through

1. Secretary
Ministry of Home Affairs
North Block, New Delhi
2. Dy. Commissioner of Police
Xth Bn., DAP, PHQ
IP Estate, New Delhi
3. Sr. Addl. Commissioner of Police
AP&T, PHQMSO Building
IP Estate, New Delhi .. Respondents

(By Shri S.K. Gupta, Advocate, through proxy
counsel Shri Deepak Verma)

ORDER(oral)

By Reddy, J. -

None appeared for the applicant either in person or through counsel. **Cont.** N.R.V. ~~areed~~ appeared from the department on behalf of the respondents. Proxy counsel on either side request adjournment on the ground that advocates are abstaining from courts. We refuse to accede to the request as we are of the view that the ground for adjournment is not valid.

2. This OA is filed seeking following reliefs as stated in para 8 of the OA:

(i) Call for the records and set aside the order dated 15.4.96 imposing punishment of removal from service and order dated 26.2.96 passed by the appellate ^{authority} confirming the said order of punishment;

(ii) Declare that the enquiry proceedings, order of punishment and the appellate order against the applicant are null and void as they are contrary to and violative of the relevant provisions of



Delhi Police Act and Rules and the fundamental rights of the applicant under Article 14, 16 and 21 read with Article 311 of the Constitution of India;

(iii) Direct the respondents to reinstate the applicant back to the services with continuity in service, back wages and other consequential benefits;

(iv) Award sufficient compensation in favour of the applicant against the respondents for the violations of his fundamental rights;

(v) Award the cost of the application in favour of the applicant;

(vi) Pass such other further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

3. The orders that are impugned in this OA are the order passed by the disciplinary authority dated 15.4.96 imposing punishment of removal and order dated 21.8.96 passed by the appellate authority confirming the order of punishment.

4. In the counter, a preliminary objection has been taken as to the maintainability of the OA on the ground that the same is hit by Section 21 of the AT Act. Section 21 of the AT Act provides for limitation for filing any application under the Act which allows 6 months time after filing the representation and thereafter one year time for filing the OA. In this case though the impugned orders were passed on 15.4.96 and 21.8.96 (wrongly stated as 26.2.96 in the OA), the OA was filed after 3 years (short of 3 months). In the circumstances, the OA is hopelessly barred by limitation. The OA is accordingly dismissed. No costs.

Shanta Shastri
(Smt. Shanta Shastri)
Member(A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman(J)

/gtv/