

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1560/99

New Delhi the 19th day of August 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC (J)
HON'BLE MRS SHANTA SHASTRY, MEMBER (A)

Shri Ompal Singh
S/o Shri Chattar Singh,
R/o Village and post office Libaun,
Police Station Shamli,
Distt. Muzzaffar Nagar (UP)

...Applicant

(By Advocate: Shri S.C. Saxena)

Versus

1. Lt. Governor, Govt. of N.C.T.
through Secretary, National Capital
Territory of Delhi.
2. The Commissioner of Police, Delhi
3. The Dy. Commissioner of Police
(Traffic), Delhi.
4. The Addl. C.P. (S&T), Delhi.

...Respondents

ORDER (Oral)

By Reddy, J.-

The OA is barred by limitation.

2. The applicant was dismissed from service by an order dated 13.1.94. He filed an appeal against the order and the same was rejected by an order dated 16.4.96. Thereafter the applicant filed a revision and it was also rejected by an order dated 2.12.97. The applicant submits that he made a representation to the Lt. Governor Delhi but it was also rejected by the order dated 1.4.99. Learned counsel for the applicant submits that the OA is within the period of limitation treating the order dated 1.4.99 passed by Lt. Governor as the imugned order. We do not agree. The limitation

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CAB

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starts from the date when the order of dismissal which was passed in 1994 was subsequently confirmed by the Revisional Authority on 2.12.1997. The applicant filed the representation in 19.3.1998 before the Lt. Governor and in response to it the Lt. Governor passed the order. The date when the applicant submitted representation and the date of the order of the Lt. Governor cannot be taken as the dates when limitation commenced, since the right of the representation is not a remedy that was available to the applicant under the rules. The applicant, in our view, should have filed the O.A. within a period of one year from the date of revisional authority as the starting point for limitation should be reckoned from that date for the period of limitation.

3. Though the applicant was granted time on the previous occasion, at his request for filing an application for condonation of delay, no application is filed so far. The OA is, therefore, barred by limitation and is accordingly dismissed at the admission stage itself.

Shanta
(Mrs. Shanta Shastry)
Member (A)

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

cc.