

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.1855/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 11th day of January, 2000

Shri C.L. Nagar  
s/o Shri R.J.Nagar  
r/o House No.A-81,  
Budh Nagar  
Inderpuri  
New Delhi - 110 012.

... Applicant

(By Shri Shakeel Ahmed, Advocate)

Vs.

1. Union of India through the Secretary  
Ministry of Human Resource Development  
Department of Education  
Government of India  
Shastri Bhavan  
New Delhi - 110 001.

2. The Deputy Secretary  
Department of Education,  
Ministry of Human Resource Development  
Government of India  
Shastri Bhawan  
New Delhi - 110 001.

... Respondents

(By Mrs. P.K.Gupta, Advocate)

O R D E R (Oral)

By Reddy, J.

Heard the counsel for the applicant and the respondents. The OA is filed challenging the order of compulsory retirement dated 20.8.1996. In pursuance of the preliminary objection taken by the respondents that the OA is barred by limitation, the applicant filed MA 2262/99 for condonation of delay. It is stated in the MA that the applicant seriously fell ill and continued to be unwell w.e.f. 1.1.1996 till 16.6.1999. He also pleads the illness of his wife and the death of his brother. In support of his plea, the applicant filed a medical certificate dated 16.6.1999, a medical prescription regarding illness of his wife and a death certificate of his brother on 24.12.1998.

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The applicant submits that in view of his illness as well as his wife's illness and due to the death of the applicant's brother and as there was no adult member in the family except the applicant, he could not file the OA within the period of limitation. The applicant also submits that he filed an appeal before the appellate authority in 1999 and as there was no response, he filed the present OA.


2. The learned counsel for the respondents filed a reply and submits that the applicant has not substantiated the delay, by any valid reasons in filing the OA. She also submits that the medical certificates and leave applications filed by the applicant will not explain the delay of three years in filing the OA.

3. The impugned order was passed on 20.8.1996 by which the applicant was compulsorily retired from service. The only plea taken by the applicant was that he was seriously ill from 1.1.1996 to 16.6.1999 coupled with the illness of his wife. The OA is filed on 23.8.1999, nearly after three years from the date of impugned order. The medical certificate filed by the applicant dated 16.6.1999 only shows that the applicant was suffering from anxiety and neurosis w.e.f. 1.1.1996 to 16.6.1999 and he was advised complete bed rest by the doctor who gave the certificate, which does not show that the applicant was either bed ridden w.e.f. 1.1.1996. It cannot be said that he was unable to file the application within the period of limitation. The certificate does not show that the applicant was suffering from serious


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illness preventing him to take the steps to file the OA. The applicant has also filed a leave letter dated 4.1.1996 and 1.4.1996 seeking leave for a period of three months and five months respectively. Though it was stated that medical certificate would be produced no medical certificate has been filed before us, showing that it was produced before the department. Even assuming that the applicant was unable to move upto August, 1996 there is no material placed before us to show that the applicant was seriously ill from August, 1996 till the filing of the OA. It is true that the applicant's brother died on 24.12.1998 and his wife was unwell but that would not preclude the applicant to file the OA within the period of limitation. There is an inordinate delay of more than two years in filing the OA. There are no valid reasons to condone the delay. The MA is therefore dismissed. Consequently, the OA also stands dismissed on the ground of limitation. No costs.

  
(R.K. Ahooja)  
Member(A)

/rao/

  
(V. Rajagopala Reddy)  
Vice Chairman (J)