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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.802/99

with

O.A.No.804/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 2nd day of November, 2000

O.A.No.802/1999:

Shivbaksh Singh
working as Caretaker
Poor House
Kingsway Camp
Delhi - 9.

... Applicant

(By Shri R.K.Shukla, Advocate)

Vs.

1. Govt. of NCT of Delhi, through
Chief Secretary
5, Shamnath Marg
Delhi - 54.
2. Secretary
Deptt. of Social Welfare
5, Shamnath Marg
Delhi - 54.
3. Director
Deptt. of Social Welfare
1, Canning Lane
Kasturba Gandhi Marg
New Delhi.

... Respondents

(By Ms. Sumedha Sharma, Advocate)

O.A.No.804/1999:

Sat Narain
s/o Shri Hari Nath Yadav
working as Caretaker
Poor House
Kingsway Camp
Delhi - 9.

... Applicant

(By Shri R.K.Shukla, Advocate)

Vs.

1. Govt. of NCT of Delhi, through
Chief Secretary
5, Shamnath Marg
Delhi - 54.
2. Secretary
Deptt. of Social Welfare
5, Shamnath Marg
Delhi - 54.

3. Director
Deptt. of Social Welfare
1, Canning Lane
Kasturba Gandhi Marg
New Delhi.

... Respondents

(By Shri Harvir Singh, Advocate)

O R D E R (Oral)

By Shri Govindan S. Tampi, Member(A):

The matters of challenge in the two applications are identical. They have been argued together. Hence this disposal by a common order.

2. The applicants challenge the penalty of reduction in their pay by one stage for a period of two years, by the order of disciplinary authority dated 6.6.1996, which was upheld in appellate orders dated 13.11.1996, the revision petitions filed on 15.4.1997 against the same have not been disposed of.

3. The applicants, both of whom are working as Caretakers in Poor House, Kingsway Camp, Delhi-9, were chargesheeted on 19.7.1988, in connection with the escape of four inmates of CHB-II, Khyber Pass, on the grounds of negligence. In the enquiry proceedings, the charges were held as proved against the applicants, the disciplinary authority agreeing with the enquiry officer, passed the orders on 6.6.1996, reducing the applicants' pay by one stage for two years. The same was upheld by the appellate authority on 13.11.1997. The applicants revision application have not been disposed of.

4. Heard the counsel for the applicants and the respondents. Shri R.K.Shukla, the learned counsel for both the applicants reiterates the pleas raised in the application and also states that the delay in filing the application was purely unintentional and due to want of knowledge. Ms. Sumedha Sharma, representing the respondents in OA 802/1999 and Shri Harvir Singh appearing for the respondents in OA 804/1999, urge that the applications are not maintainable on account of limitation. Shri Shukla counters by stating that the applicants were waiting for the disposal of the revision application and therefore limitation cannot be raised ^{against} his clients.

5. We have carefully considered the rival pleas and we find that the preliminary objection on limitation has valid basis. The disciplinary order is dated 6.6.1996 and the appellate order is of 13.11.1996. Revision petitions have been filed on 15.4.1997. The applicants should have come before us by six months from that date even if it was not disposed of. They have not chose~~d~~ to do so but have filed these applications nearly one year and ten months after that. This is clearly hit by limitation. MAs filed for condonation of delay also do not bring any fact which would justify the delay. In the circumstances, we are convinced that the preliminary grounds taken by the respondents ^{merit} ~~best~~ acceptance.

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6. In the result the OA 802/99 along with MA 767/99 and OA 804/99 along with MA 769/99 are dismissed, on the ground of limitation, without considering the merits. We do not however order any costs.

Govindan S. Tampi
GOVINDAN S. TAMPI)
MEMBER(A)

(V. RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/

✓ Original judgement placed in OA 802/99.

Attested

V. U. Srivastava
9/11/2007
(V. U. SRIVASTAVA)
Clerk - Office
Court No. 11

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