

Central Administrative Tribunal  
Principal Bench

O.A. 1519/98

New Delhi this the 18 th day of August, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri K. Muthukumar, Member(A).

Arjun Kumar  
S/o Shri Bindeshwar Mahto,  
(Sanad No. 5144),  
R/o B/371, Sultanpuri,  
Delhi-41.

... Applicant.

By Advocate Shri U. Srivastava with Shri M.K. Gaur.

Versus

National Capital Territory of Delhi through

1. The Director General,  
Home Guard and Civil Defence,  
Nishkam Sewa Bhawan, Raja Garden,  
New Delhi.

2. The Commandant,  
Home Guard and Civil Defence,  
Nishkam Sewa Bhawan, Raja Garden,  
New Delhi.

... Respondents.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

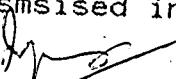
We have heard Shri U. Srivastava, learned counsel for the applicant and perused the O.A. The applicant has submitted that he was enrolled as Home Guard with the respondents between the period from 14.12.1988 and 1994 and thereafter his services were terminated without assigning any reasons. Shri U. Srivastava, learned counsel, has submitted that the applicant has made a number of representations and oral requests to the respondents to consider his case and his grievance is that he is not being engaged as a Home Guard. He further contends that other persons who are juniors and outsiders and similarly situated like the applicant have been considered but he was

13.

unable to furnish any details of such persons. No seniority list of persons he is referring to has also been furnished.

2. Admittedly, the applicant has been discharged from his duty as Home Guard sometime in 1994 and this O.A. has been filed on 10.8.1998. We are unable to agree with the contention of the applicant's counsel that this application is within the period of limitation as prescribed under Section 21 of the Administrative Tribunals Act, 1985. The learned counsel was unable to satisfy us as to how this application can be considered as a continuing cause of action or it is within the period of limitation. It is also seen that not even a Miscellaneous Application for condonation of delay has been filed in this case nor any reasons given for exercising the powers conferred on the Tribunal under sub-section (3) of Section 21 of the Administrative Tribunals Act, 1985. In the facts and circumstances of the case, following the settled principles of law (See the observations of the Hon'ble Supreme Court in L. Chandra Kumar Vs. Union of India & Ors. (JT 1997 (3) 589) and P.K. Ramachandran Vs. State of Karnataka and Anr. (JT 1997 (8) SC 89), we find that this application is highly belated and is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985, particularly when not even an application for condonation of delay has been filed.

3. For the reasons given above, the application fails as it is barred by limitation and it is accordingly dismissed in limine. No order as to costs.

  
(K. Muthukumar)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Member(J)