

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 678/98

New Delhi: Dated this the 29th day of February, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

R.P. Sharma,
S/o Sh. Mahabir Prasad Sharma,
R/o RZ 17 B Kailashpuri Extn.

Gali No. 2,

New Delhi-45.

..... Applicant.

(By Advocate: Shri T. D. Yadav)

Versus

Union of India
through

1. Secretary,
Department of Telecommunication,
Sanchar Bhawan,
Parliament Street,
New Delhi.

2. General Manager (MTCE),
Deptt. of Telecommunications,
North Telecom. Region,
Kidwai Bhawan,
New Delhi.

3. Chief Suptd.,
Central Telegraph Office,
Eastern Court,
New Delhi

..... Respondents.

(By Advocate: Shri Harvir Singh)

ORDER:

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

In this OA filed on 20.3.98 applicant impugns the disciplinary authority's order dated 25.2.93 (Annexure -A2) removing him from service and the appellate order dated 24.11.94 (Annexure-A1) rejecting the appeal. Applicant prays for reinstatement with consequential benefits.

2. Heard both sides.

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3. Respondents' counsel has taken the preliminary objection that the OA is grossly delayed and is hit by limitation under section 21 AT Act.

4. MA No.706/98 has been filed by applicant praying for condonation of delay in filing the OA. It is contended that he was undergoing serious personal problems during this period and after receipt of the appellate order confirming his removal from service he was under a state of shock and mental imbalance and was under medical treatment for the last 4 years, and after recovering from his physical and mental ailments and arranging finances he has filed this OA. A medical certificate has been filed from one Dr.M.K.Mittal dated 31.1.98, and was advised rest.

5. Nothing in the aforesaid certificate dated 31.1.98 can lead us to conclude that applicant's medical condition was indeed so serious as to incapacitate him from filing this OA within the limitation period. Under the circumstance, it cannot be said that the grounds for condonation of delay are either satisfactory or reasonable. In P.K.Ramchandran Vs. State of Kerala & Anr. JT 1998 (7) SC 21, the Hon'ble Supreme Court has held that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes, and courts have no power to extend the period of limitation on equitable grounds.

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6. Under the circumstance, the preliminary objection raised by respondents is upheld and the OA is dismissed on ground of limitation. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A).

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