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Date	Office Report	Orders
	<p>Item No. 2 28.11.1995</p>	<p>C.A. NO. 506/95 M.A. NO. 669/95</p> <p>Present: Shri V.P.Sharma, Advocate through Shri Rajesh Sharma, proxy).</p> <p>Shri Anoopa Dawai, Counsel for the respondent.</p> <p>Heard.</p> <p>Order passed separately.</p> <p><i>18-</i></p> <p>(R.K. AHOOJA) MEMBER(A) <i>/RKO/</i></p> <p>(MRS. LAKSHMI RAMINATHAN) MEMBER(B)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.NO.506/95
M.A.NO.669/95

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 28th day of November, 1995

Bharat Bhusan
s/o Shri Mangal Ram
R/o 1 - D, Old Gupta Colony
Near Vijay Nagar
D E L H I - 110 009. ... Applicant
(Shri V.P.Sharma, Advocate through Shri Yogesh Sharma Proxy)

Versus

National Capital Territory of Delhi; through

1. The Chief Secretary
Old Secretariat
D E L H I.
2. The Commissioner of Police
Delhi Police, Headquarters
I.P.Estate
New Delhi.
3. The Dy. Commissioner of Police
VI Bn., DAP
DELHI. ... Respondents
(By Shri Anoop Bagai, Advocate)

O R D E R(Oral)

Hon'ble Mrs. Lakshmi Swaminathan, Member(A)

This application has been filed by the applicant against the termination of his services under Rule 5(1) of the CCS (Temporary Services) Rules, 1965 dated 14.6.1985 (Annexure A1). The applicant submits that he had filed an appeal to the Competent Authority with the prayer for condonation of delay in filing the appeal (Annexure A2) which is dated 08.2.1993, but the same has not been decided. Applicant states that the action of the respondents in terminating his services is illegal and liable to be quashed. Hence, this Original Application which was filed on 20.3.1995.

2. The applicant has also filed MA No. 669/95 for condonation of delay in filing this Original Application to which a reply has been filed by the respondents. The respondents have taken the preliminary objection that the application is time barred, as what the applicant is seeking is to challenge the termination order dated 14.6.1985.

3. We have heard Shri Yogesh Sharma and Shri Anoop Bhagai the learned counsel for the parties and also perused the records.

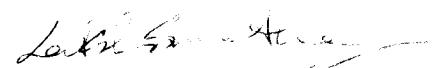
4. The main ground taken by the applicant for condonation of delay in filing the appeal and also this application is on account of his sickness. The applicant has given together with his appeal dated 8.2.1993, a medical certificate dated 13.2.1985, which certificate is hardly legible. However, the learned counsel for the applicant submits that this certificate shows that the applicant was ill upto 21.4.1988. Even if it is assumed that the applicant was ill, as he claims till 21.4.1988, he has failed to give any reasons whatsoever why he could not file the appeal to the competent authority or this application till 8.2.93 and 24.3.1995 respectively. Merely stating that he is sick without even specifying the nature of his illness or giving any certificate to support, it, cannot be accepted in the circumstances of the case as sufficient ground to condone the delay ^{of} over eight years in filing this Original Application.

5. We are of the view that this application is hopelessly time barred and it is accordingly dismissed. No costs.


(R.K. AHOOJA)

MEMBER (A)

/RAO/


(MRS. LAKSHMI SWAMINATHAN)

MEMBER (J)