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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1489/1996

New Delhi this the 10th day of February, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Harender Singh,
S/o Shri Sita Singh,
R/o House No. S-176, School Marg,
Shakarpur.
Delhi.

.....Applicant

(By Advocate Shri Shankar Divate)

-Versus-

1. Commissioner of Police Delhi,
Delhi Police Headquarters, M.S.O. Building
I.P. Estate, New Delhi.
2. Additional Commissioner of Police Delhi,
(Northern Range) Delhi Police Headquarters
M.S.O. Building, I.P. Estate,
New Delhi.
3. Additional Deputy Commissioner of Police,
North District, Near Police Station,
Civil Lines,
Delhi.

....Respondents

(By Advocate Shri Rajinder Pandita)

O R D E R (ORAL)

Smt. Shanta Shastri, AM:

An enquiry was conducted against the applicant, a Constable in Delhi Police for wilful unauthorised absence and he was removed from service by an order passed on 21.9.1988. The applicant preferred an appeal to the appellate authority. The same was rejected on 2.2.1990. He made a further representation to the Lt. Governor of Delhi. The same was also rejected on 21.4.1993. The applicant again filed a revision petition to the Commissioner of Police on 7.9.1994 and the same was rejected as being

not maintainable on 2.2.1995. The applicant has approached this Tribunal by way of the present OA against the order dated 21.9.1988 of the disciplinary authority as well as the orders dated 2.2.1990 and 2.2.1995 and to reinstate him in service.

2. The learned counsel for the respondents has raised a preliminary objection that the OA is barred by limitation. According to him, the applicant has approached this Tribunal after a period of three years which is not permissible. The learned counsel has relied upon the judgement of the Supreme Court in the case of **P.K.Ramachandran v. State of Kerala & Anr.**, JT 1997 (8) S.C 189 wherein it was 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 prescribe and the courts have no power to extend the period of limitation on equitable grounds. There is a catena of judgements in regard to limitation. In the case of **S.S.Rathore v. State of Madhya Pradesh**, AIR 1990 SC 10 it has been held that after a representation is made, an applicant must approach the Tribunal after expiry of six months if the representation is not decided, or within a period of one year from the date of final order. Repeated unsuccessful representations not provided by law do not enlarge the period of limitation.

3. The applicant who has been an habitual absentee was removed from service in 1988 and his last representation to the Lt. Governor was rejected in

1993. He should have approached this Tribunal atleast within a period of one year from the rejection in 1993. But the applicant perhaps to cover up the gap, preferred a revision petition to the Commissioner. of Police. It was rejected in 1995. Even thereafter, the applicant has taken more than a period of one year to approach this Tribunal. He has filed an application for condonation of delay, but we are not satisfied with the explanation offered in the same. In the circumstances, we find that the OA is hopelessly barred by limitation and, therefore, the same is dismissed on this ground itself. There shall be no order as to costs.


(ASHOK AGARWAL)
CHAIRMAN


(SHANTA SHASTRY)
MEMBER (A)