

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.117/97
M.A. No.145/97

(A)

New Delhi, this the 17th day of April, 1997.

Hon'ble Mr. Justice K.M. Agarwal, Chairman.

Shri G.P. Gupta,
Ex.PAO/Supply now AO/Construction Office of
FA&CAO/Construction,
Northern Railway,
Kashmere Gate,
Delhi.

.....Applicant

Versus

1. Secretary,
Ministry of Commerce,
Dept. of Supply,
Nirman Bhawan,
New Delhi.
2. Controller General of Accounts,
Ministry of Finance, Deptt. of Expenditure,
Loknayak Bhawan,
New Delhi.
3. Chief Controller of Accounts,
Dept. of Supply,
Akbar Road Hutmants,
New Delhi.

.....Respondents

(By advocate: Sh.M.K.Gupta alongwith
Shri Vidya Sagar)

O R D E R (ORAL)

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN

It is not disputed that the applicant has retired. By this O.A., he wants expunction of certain adverse remarks made against him during the period of his service. The application is not in time and, therefore, M.A.145/97 has been filed for condoning the delay.

For

(5)

The adverse remarks sought to be expunged relate to the year 1988. The applicant states that his appeal against the adverse remarks was pending but I am of the view that there is no appeal provided against the adverse remarks. It appears that the applicant had filed a representation against the adverse entries and he admits that it was rejected on 29.6.90. He referred to rule 26 at page 37 of Swamy's compilation on Seniority and Promotion in Central Govt. service, 1996 Edition, to submit that appeal was permissible against the rejection of representation against adverse entries and accordingly he preferred an appeal on 27.7.90 which was not disposed of till the date of filing the present O.A.

Section 21 (1) (b) of the Administrative Tribunals Act, 1985 says that if an appeal or representation is pending for a period of more than six months, the limitation would be one year from the date of expiry of such period of six months. That period expired in December, 1990 itself or in January, 1991. Under the circumstances, the delay appears to be of more than six months and, therefore, looking into the nature of relief claimed in the main petition, I am of the view that delay cannot be condoned.

Accordingly, M.A.145/97 is rejected and as a necessary consequence, O.A. 117/97 is also dismissed as barred by time.

By
(K.M. AGARWAL)
CHAIRMAN

/Mishra/