

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 1723/97

T.A.No.

Date of decision 14-8-98

Shri Ranbir Singh

... Petitioner

Sh.R.K.Sheroran

... Advocate for the
Petitioner(s)

VERSUS

Directorate General of ... **Respondents**
Home Guard & Civil Defence
and another

Shri Jog Singh

... Advocate for the Respondents

CORAM

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

The Hon'ble Shri K. Muthukumar, Member (A)

1. To be referred to the Reporter or not? Yes

2. Whether it needs to be circulated to other Benches of the Tribunal? No.

(Smt. Lakshmi Swaminathan)
Member (J)

(18)

Central Administrative Tribunal
Principal Bench

O.A. 1723/97

New Delhi this the 14th day of August, 1998

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

Ranbir Singh,
S/o Shri Sri Chand,
R/o H.No. 201, Vill & PO: Tehkhand,
New Delhi. ... Applicant.

By Advocate Shri R.K. Sheoran.

Versus

1. Directorate of General of Home
Guard & Civil Defence,
Vikas Bhawan, I.P. Estate,
New Delhi.
2. Commandant Home Guard, Delhi,
Vikas Bhawan, I.P. Estate,
New Delhi. ... Respondents.

By Advocate Shri Jog Singh.

O R D E R

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

The applicant is aggrieved by the order issued by the respondents dated 24.2.1994 discharging his services as Home Guard under Rule 8 of the Bombay Home Guards Act/Rules.

2. While the applicant has claimed that the present application is well within the prescribed period of limitation under Section 21 of the Administrative Tribunals Act, 1985, Shri Jog Singh, learned counsel, for the respondents, has submitted that since admittedly, services of the applicant were dispensed with by a speaking order dated 24.2.1994 and this application has been filed on 30.7.1997 the same suffers from delay and laches and is barred by limitation.

(S)

3. On this preliminary objection, Shri R.K. Sheoran, learned counsel for the applicant, was unable to show that even representation was made by the applicant prior to the legal notice issued by him dated 17.4.1997. His contention is that since the applicant has served the respondents from 7.9.1980 to 24.2.1994, he could not be discharged as Home Guard by the impugned order dated 22.4.1994. He has also submitted that in the meantime the applicant had been approaching the respondents personally on several occasions with the request to consider his case sympathetically for taking him into service before he issued the legal notice and this was sufficient ground to condone the delay in filing this application. The other main argument of Shri Sheoran, learned counsel, was that the respondents have not complied with the provisions of Rule 8 of the Bombay Home Guards Act/Rules as applicable to the Delhi Home Guards and no show cause notice was given to the applicant before issuing the impugned order.

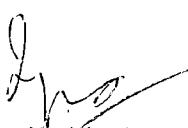
4. We have considered the pleadings and the submissions made by the learned counsel for the parties.

5. Section 21 of the Administrative Tribunals act, 1985 provides the period of limitation for filing an application before this Tribunal by a person aggrieved, which is a maximum period of one year and six months after the final order is passed. Sub-Section (3) provides that notwithstanding anything contained in sub-sections (1) and (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that

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he had sufficient cause for not making the application within such period. Following the judgements of the 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), this Tribunal does not have the powers to condone the delay particularly when there is not even an application for the same. The reasons given by the learned counsel for the applicant to explain the delay between the impugned order dated 24.2. 1994 and the date of filing of this application on 30.7.1997 can hardly be accepted as sufficient to explain the inordinate delay of over two years or save the case from the bar of limitation. It is also relevant to note that only before filing this O.A. the applicant seems to have sent a legal notice to the respondents on 17.4.1997, which again will not in any way save this application from this ^{objection 13} ~~ground~~. In the facts and circumstances of the case, therefore, we find no sufficient cause for condoning the delay and laches on the part of the applicant under the provisions of Section 21(3) of the Administrative Tribunals Act, 1985.

6. In the result, the application being hopelessly barred by limitation is dismissed. No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

SRD