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Central Administrative Tribunal
Principal Bench

O.A. 2254/2000

New Delhi, this the day of 8th November, 2001.

Hon'ble Shri S.R.Adige, Vice-Chairman(A)
Hon'ble Dr.A Vedavalli, Member(J)

Sh Baleshwar
S/o Shri Bharat Singh
Ex-JTO-II(SE)
Aviation Research Centre
Directorate General of Security, New Delhi
Residing in Village Rewala Khanpur
Najaf Gahr, New Delhi-110043. ...Applicant.
(By advocate: Shri B.Krishan)

Versus

1. Union of India
through the Secretary,
Cabinet Secretariate
New Delhi.
2. The Director,
Office of the Director Aviation Research Centre,
(Directorate General Security)
East Block, R.K.Puram, New Delhi-66 ...Respondents.
(By Advocate: Shri D.S.Mahendru)

ORDER

By Shri S.R.Adige, Vice-Chairman(A)

Applicant impugns respondents' order dated 5.5.93 (Annexe A-2) and dated 1.11.99(Annexure.A-1). He seeks to be allowed to resume his duties in the same office at Delhi on the same post held by him on 1.12.92 i.e. Junior Technical Officer and treatment of the intervening period as on duty, with all consequential benefits.

2. Heard.

3. Applicant was appointed as JTO-II (SEW) on purely temporary basis vide order dated 27.4.87 (Annexure.R-1). The aforesaid order stated that applicant would be on probation ^{for} 3 years, which could be extended or curtailed at the discretion of the competent authority, but such extension or curtailment would not exceed one year. Applicant was kept on probation for 3 years which was

2

Completed on 1.5.90 as per respondents' averments.

4. Disciplinary proceedings were initiated against applicant vide Memo dated 26.2.93(pages 12-14 of OA) for failing to comply with orders transferring him from Palam to Sarsawa.

5. Soon thereafter applicant submitted his resignation letter dated 9.3.93(Annexure.A-7), in which he stated that he was compelled to resign w.e.f. 7.11.92.

6. The aforesaid resignation letter was accepted by respondents vide order dated 5.5.93 (Annexure.A-2) .

7. As applicant's resignation letter was accepted, the disciplinary proceeding initiated against him vide Memo dated 26.2.93 was not pursued.

8. Applicant in his subsequent letter dated 30.10.94(Annexure.A-8), himself admits that he had resigned from the aforesaid post, and in para 4 of the aforesaid letter sought release of his dues which he claimed were still lying with respondents.

9. Applicant having submitted his resignation from the post of JTO II (SEW) vide letter dated 9.3.93, effective from 7.11.92, and respondents having accepted his resignation w.e.f. 7.11.92 vide their order dated 5.5.93, and applicant himself having acknowledged the fact that he had resigned from the aforesaid post vide his letter dated 30.10.94, the question of our quashing the impugned orders, and directing respondents to allow applicant to resume his duties on the aforesaid post does not arise.

10. That apart applicant's cause of action arose with effect from respondent's order dated 5.5.93 and if he was

(11)

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aggrieved by the same, he should approach the Tribunal well in time. The O.A. is therefore grossly time barred.

11. In result the O.A. is dismissed. No costs.

A-Vedavalli

(Dr. A. Vedavalli)
Member (J)

/ug/

S.R. Adige

(S.R. Adige)
Vice Chairman (A)