

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 442/2000
MA 622/2000

New Delhi this the 29th day of March, 2000

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

Kamal Singh
S/O Shri Bhagwana
T.No. 1375/Gm. Mason,
Ordinance Factory, Muradnagar,
Distt. Ghaziabad (UP)

.. Applicant

(None for the applicant)

Versus

1. Union of India through
The Secretary,
Ministry of Defence Production,
Govt. of India, New Delhi.
2. The Director General,
Ordinance Factories, Ministry of
Defence, 10, Auckland, Calcutta.
3. The General Manager,
Ordinance Factory, Ministry of
Defence, Murad Nagar, Distt.
Ghaziabad (UP)

.. Respondents

O R D E R (ORAL)

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

It is seen that the proxy counsel for the learned counsel for the applicant, Sh. Roop Chand had requested on 16.3.2000 that the case may be posted on 29.3.2000. None has appeared for the applicant ~~even~~ today.

2. This is a fresh case and I have perused the documents on record carefully. The applicant has impugned the orders passed by the respondents dated 30.4.86 and 11.2.89 rejecting his request for correcting the date of birth in his service record. The relevant facts of the case have already been stated in the previous application (OA 1854/90) filed by the applicant in this Tribunal which was disposed of by order dated 1.11.93 (copy placed at pages 14-15 of the paper book). It appears from the order of the Hon'ble Supreme Court dated 15.12.1995 that the applicant then filed SLP D 6229/94 against

the order of the Tribunal dated 1.11.1993 by which order the case was adjourned that he will move the Tribunal for appropriate orders in the meanwhile in the light of a decision in a similar matter.

3. In the present OA, the applicant has stated that the Hon'ble court passed the judgement in a case bearing No.OA 485/91 on 12.3.92 and also OA 3293/92 dated 29.5.95 (Copies of these judgements/orders have, however, not ^{been} placed on record). He ^{on 18}relies certain orders passed by the respondents dated 9.6.92 and 29.6.95 (copies placed at pages 17-18 of the paper book).

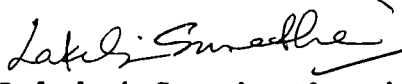
4. From the facts given by the applicant himself, it is seen that the applicant is seeking the same ~~is~~ remedy which he had sought in the earlier OA 1854/90. The Tribunal by order dated 1.11.93, had held that it would not be justified at this time, to direct the respondents to hold a fresh enquiry in regard to determination of the date of birth of the applicant and hence the application was dismissed. Even after the order dated 15.12.95 was passed by the Apex Court in the SLP filed by the applicant, there has been inordinate delay on the part of the applicant to approach the Tribunal as submitted by his counsel before the Supreme Court, for appropriate orders before the Tribunal. The present position of the case before the Hon'ble Supreme Court has also not been clearly mentioned in the OA.

5. Applicant has filed MA 622/2000 praying for condonation of delay under Section 5 of the Indian Limitation Act. This application is also not maintainable as no proper MA has been filed under the provisions of Administrative Tribunals Act, 1985, read with the Procedure Rules made under this Act. The applicant does not also disclose ^{any} sufficient reasons to condone the delay in filing this belated application.

6. It is also seen from the facts in the OA that the applicant has stated that he ^{has been} working as Mason in Ordinance Factory at Muradnagar, District Ghaziabad (UP) and the reliefs prayed for are against the officers of Respondent 1 who are at

Ghaziabad and Calcutta. In the circumstances the original application is not maintainable in the Principal Bench of the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 read with Rule 6 of the Administrative Tribunals (Procedure) Rules, 1987. (A)

7. In the result the OA is dismissed in limine, as it is barred by limitation, principles of res-judicata and jurisdiction. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member (J)

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