

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.2551/1989

Date of decision: 30.4.89 R.P.S.

Ashok Kumar

.. Applicant

Versus

Union of India & Anr. .. Counsel for the respondents.

Applicant in person.

Mrs. Raj Kumari Chopra .. Counsel for the respondents.

CORAM:

The Hon'ble Sh. Justice Ram Pal Singh, Vice Chairman(J).

The Hon'ble Sh. K. J. Raman, Member(A).

JUDGEMENT

(Delivered by Hon'ble Sh. Justice Ram Pal Singh, V.C.(J)).

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act of 1985 (hereinafter referred as 'act') containing the prayer to set aside and quash the order dated 11.5.1987 (Annexure A-5). He has also sought the declaration that this order of dismissal is illegal, unjust and arbitrary, hence, he may be reinstated in service with full back wages etc. The prayer contained in para 8(b) of the O.A. is that delay, if any, may be condoned. Annexure A-5 was admittedly passed on 11.5.1987. Hence, the period of limitation starts running from that date. According to Section 21 of the Act, the period of limitation is one year. If the applicant files a representation then a period of six months is further added to the period of one year. If we add this period of six months then the period of 18 months expires on 11.11.88. This O.A. was filed on 22.12.89. Thus, the O.A. is clearly barred by limitation by one year, one month and few days. There is no application or affidavit containing the prayer

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for condonation of the delay. Sub-section 3 of the Section 21 of the Act provides that if sufficient cause is shown then the delay in filing the O.A. may be condoned by the Tribunal. No facts have been placed before us, hence, we are unable to exercise our powers under Sub-section 3 of the Section 21 of the Act.

2. For showing sufficient cause in filing the O.A. after a long delay the applicant is required to explain each day's delay and the burden heavily lies upon him. This burden has not been discharged by the applicant.

3. The applicant contended at the bar that he has been filing representations since 16.6.1987. But filing of repeated representations does not extend the period of limitation provided in the Act. Consequently, we are of the considered view that this O.A. is clearly barred by limitation and in absence of any fact for condonation of delay there exists no sufficient cause. This O.A. is dismissed, therefore, as barred by limitation.

4. There is no order as to costs.

K.J. Ramam
(K.J. RAMAN)
MEMBER(A)

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN(J)