

Central Administrative Tribunal
Principal Bench: New Delhi.

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Regn. No. OA-292/1989

Date of Decision 7.7.1989

Shri Har Narain

... Applicant.

Vs.

Union of India & Ors.

... Respondents.

For the applicant

... None.

For the respondents

... Shri B.K. Aggarwal,
Advocate.

CORAM: Hon'ble Shri P. Srinivasan, Administrative Member.
Hon'ble Shri T.S. Oberoi, Judicial Member.

JUDGEMENT (ORAL)

(Judgement of the Bench delivered by Hon'ble
Shri P. Srinivasan, Member (Administrative).)

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This application has come up before us for admission with notice to the respondents. When the case was called out none/appears for the applicant. We find that a counsel appeared for the applicant before this Tribunal on 14.2.1989 when notice to the respondents was ordered to be issued returnable on 11.4.1989. On 11.4.1989, neither the applicant nor his counsel appeared. Counsel for the respondents appeared on that date and at his request the application was posted for admission on 30.5.1989. On 30.5.1989 also none appeared for the applicant but since counsel for the respondents sought for time to file reply, the matter was ordered to be listed today for admission. Shri B.K. Aggarwal, learned counsel for the respondents states that he has already filed reply with the Registry on 6.7.1989.

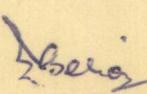
2. Since the applicant and his counsel ^{have} chosen to remain absent on the third successive occasion, we have no choice but to proceed to deal with the application with the assistance of Shri B.K. Aggarwal, learned counsel for the respondents. Shri Aggarwal points out that in the application the applicant states against Column No. I that he is challenging an order made on 16.8.1987 imposing penalty on the applicant.

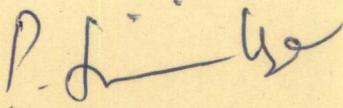
P. Srinivasan

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Shri Aggarwal further points out that the order imposing the penalty of withholding of two increments for two years was passed on 28th April, 1987 and not on 16.8.1987. With reference to this date this application filed on 27th January, 1989 is badly delayed. Shri Aggarwal also draws our attention to the "mercy appeal" filed by the applicant which was rejected by an order dated 19.1.1988 appearing at page 33 of the application. Even with reference to this date the application filed on 27.1.1989 is out of time. Shri Aggarwal points out further that the applicant has not challenged the procedure adopted by the Inquiry Officer nor does he deny that he had committed the mistake of not noting the weight of the consignment or that he had under-charged the consignment. Shri Aggarwal also draws our attention to the mercy appeal in which the applicant himself states that it was a case of misjudgment on his part. In view of this, Shri Aggarwal submits that this application deserves to be dismissed.

3. Having heard Shri Aggarwal and having perused the application, we are of the view that it deserves to be rejected at the stage of admission itself as barred by limitation. In view of this, we need not go into the other issues raised by the learned counsel for the respondents. The application is rejected at the stage of admission itself as barred by limitation.


(T.S. Oberoi)
Member (J)


(P. Srinivasan)
Member (A)