

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 497/89.

Om Prakash & Ors. Vs. Delhi Admn. & Anr.

21.4.1989.

Applicants through Ms. Anuvinda Varkey, Advocate.

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants, who were constables in the Delhi Police, have challenged their termination from service vide orders passed in April, 1967, which have been filed as Annexure 'A' to the application. The application is hopelessly time-barred as the cause of action arose much before three years preceding the date of establishment of this Tribunal. The learned counsel has relied on a judgment of this Tribunal dated 26.11.1987 filed as Annexure II to the application, wherein persons similarly placed, were granted relief. The judgement dated 26.11.1987 in case bearing Regn. No. T-950/85 (CWP No. 2521/83) and two other writ petitions was in respect of cases where the petitioners had filed writ petitions under Article 226 of the Constitution in the Delhi High Court which subsequently, stood transferred to this Tribunal under Section 29(1) of the Administrative Tribunals Act, and therefore the question of limitation was not involved in those cases whereas in the present case, this is an application under Section 19 of the Act and as such is governed by limitation prescribed under Section 21 of the Act. In V.K. Mehra Vs. The Secretary, Ministry of Information & Broadcasting, New Delhi (A.T.R. 1986 C.A.T. 203), a Bench of this Tribunal to which one of us (Shri Kaushal Kumar) was a party observed as follows: -

"....The Administrative Tribunals Act does not vest any power or authority to take cognizance of a grievance arising out of an order made prior to 1.11.1982. The petitioner requests that the delay in filing this application be condoned. But the question is not at all one of condoning the delay in filing the petition.

M. Kaushal

It is a question of the Tribunal having jurisdiction to entertain a petition in respect of grievance arising prior to 1.11.1982.

"3. In Regn. No. T-34/85 Capt. Lachhman Singh v. Secretary, Ministry of Personnel and Training, we held:

"The period of three years laid down under sub-section (2) of Section 21 would have to be computed with reference to any order made on such a representation and not with reference to the earlier order..... The Tribunal would have jurisdiction under sub-section (2) of Section 21 to entertain an application in respect of "any order" made between 1.11.1982 and 1.11.1985."

The limited power that is vested to condone the delay in filing the application within the period prescribed is under Section 21 provided the grievance is in respect of an order made within 3 years of the constitution of the Tribunal."

2. Although there is no Misc. Petition filed with the O.A. for condonation of delay, even if such an application were filed, it would have been liable to rejection since the cause of action arose much before three years preceding the date of establishment of the Tribunal.

3. We hold that the present application is not maintainable and accordingly dismiss the same.

Oberoi
(T.S. OBEROI)
MEMBER (J)

K. Kumar
(KAUSHAL KUMAR)
MEMBER (A)

21.4.1989.