

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

OA No.1729/1988.

December 1, 1988.

Shri T. Chandramohan Applicant.

Vs.

Union of India & Ors. Respondents.

Coram:

Hon'ble Mr. Justice Amitav Banerji, Chairman.

Hon'ble Mr. Kaushal Kumar, Member (A).

For the applicant ... Ms. Veena George, counsel.

For the respondents ... Shri P.P. Khurana, counsel.

(Judgment of the Bench delivered by
Hon'ble Mr. Kaushal Kumar, Member).

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985 by the applicant who was an Assistant in the Cabinet Secretariat, Govt. of India challenging his removal from service.

The order of removal was passed on 19.6.1984/22.6.1984.

The appeal filed by the applicant against the order of removal was rejected on 9.11.1984 vide Memorandum filed as Annexure P-17 with the application. The detailed order passed by the Appellate Authority rejecting the appeal has not been placed in the paper book. Subsequently, the applicant filed a review application which was rejected on 2.1.1986. Subsequently the applicant filed a representation /mercy petition which was rejected on 10.6.1987/ ^{vide Memorandum} filed as Annexure P-20 with the application. The said Memorandum dated 10.6.1987 reads as follows:

" Secret No.25/E 4/73(2172)16662
Government of India, Cabinet Secretariat
8-B, South Block,
New Delhi, the 10/6/87.

MEMORANDUM

Please refer to your application dated 27.4.87 and 29.4.87 regarding personal interview with the Secretary for re-instatement in service.

2. Your applications have been examined. It is regretted that your request cannot be considered.

3. This has the approval of the Competent Authority.

Sd/- (M.K.Roy)
Under Secretary (Pers. 4)

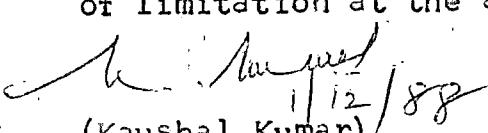
Shri T.Chandra Mohan,
748/Sector-37,
Arun Vihar,
NOIDA (U.P) "

The present application has been filed on 8.9.1988 and is hopelessly time-barred. Section 20 of the Administrative Tribunals Act clearly lays down that the Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances, and further that a person shall be deemed to have availed of all the remedies available to him under the relevant service rules as to redressal of grievances, if a final order has been made by Government or other authority or officer or other person competent to pass such order under such rules. In this case the review application filed by the applicant was rejected on 2.1.1986. There is no provision in the service rules for any further representation or mercy petition. The ld.counsel for the applicant has referred to two similar cases which

A. Mohan

....3.

are stated to have been admitted. These are referred in para 6 of the application. From the Registration mentioned Nos T-2074/87 and T-1092/85/ therein it is clear that these are transferred matters where the question of limitation would not arise. The ld. counsel has also argued that there are rulings where the delay in filing the application has been condoned in the interest of justice. However, in the present case there is a statutory bar of limitation prescribed under Section 21 of the Administrative Tribunals Act. The application for condonation of delay which is at page 174 of the paper book does not give any cogent grounds explaining the long delay in filing the present application. In cases of petitions filed before the High Court under Art.226 of the Constitution where there are laches and delays, there is no statutory bar of limitation and in the interest of justice, the delay can be condoned. But where there is a statutory bar of limitation as under Section 21 of the Administrative Tribunals Act, every day's delay has to be explained by the applicant. We do not see any ground for condoning the delay in the present case and do not consider it necessary to go into the merits of the case. The present application is accordingly rejected on the short ground of limitation at the admission stage itself.


(Kaushal Kumar)
Member (A)


(Amitav Banerji)
Chairman