

Present: Mrs. Subhadra, Counsel for the applicant.

Mr. J.S. Bali, Counsel for the respondents.

We have heard the arguments of the learned counsel for both the parties on the question of admissibility of this application under Section 19 read with Section 21 of the Administrative Tribunals Act. In this application the applicant has challenged the order of termination of his temporary service under Sub-rule (1) of Rule 5 of the CCS (Temporary Service) Rules. This order was passed on 14.1.85 when the applicant was working as a Constable in the Delhi Armed Police. He filed an appeal against this order, which was rejected on 14.5.85. Thereafter, he filed a Memorial to the President on 5.12.85 which has not been replied to. The application before us is dated 19th May, 1988. In accordance with Section 21 of the Administrative Tribunals Act, if a representation is not replied to, the Tribunal can be moved within a period of one year after the expiry of six months from the date the representation was submitted. In order to give maximum benefit to the applicant, we consider the Memorial dated 5.12.85 as the last representation which has not been replied to so far. Accordingly, the applicant should have moved the

Tribunal by 5th June, 1987 after waiting for six months for a reply on his Memorial. This application has been filed with a delay of more than 11 months on 19th May, 1988. The learned counsel for the applicant states that the applicant should not suffer for the fault of his lawyer. This plea cannot be accepted because in Para 8 of the application he has taken the plea that "because of his financial status" failed to approach an advocate to take legal proceedings on his behalf". Ignorance of law is of no excuse and the delay is so prolonged that the same cannot be justified to be condoned on the plea of ignorance. The impugned order does not also prima facie indicate such illegality as would justify our waiving ^{the} plea of limitation taken by the learned counsel for the respondents. Accordingly we find the application to be barred by limitation and reject the same under Section 19(3) of the Administrative Tribunals Act.

S.P. Mukerji
29.8.88
(S.P. MUKERJI)
MEMBER (AM)

P.K. Kartha
29/8/88
(P.K. KARTHA)
VICE CHAIRMAN