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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

MP 1300/88
OA 942/88

November 18, 1988.

Shri Ashok Kumar Applicant.

Vs.

Delhi Administration & Ors. ... Respondents.

Coram:

Hon'ble Mr. P.K.Kartha, Vice-Chairman.

Hon'ble Mr. P.Srinivasan, Member (A).

For the applicant ... Shri S.N.Kalra, counsel.

For the respondents ... None.

(Order of the Bench delivered by Hon'ble
Mr. P.Srinivasan, Member (A)).

This application under Section 19 of the Adminisrait
ve Tribunals Act,1985, has come before us for admission
today. It is a belated application. The applicant has

Made a Misc. petition for condonation of
delay which has also come before us. The respondents
have filed their reply opposing the Misc. application
for condonation of delay.

In this application, the applicant has raised
two grievances.

The applicant was a Constable in the Delhi Police who
joined service in February,1981. By order dated 18.3.198
communicated to the applicant by endorsement dated
21.8.1984, the disciplinary authority viz. the Deputy

Commissioner of Police, Delhi imposed the penalty

of censure on the applicant. The applicant filed
an appeal which was duly rejected by the Appellate

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Authority by order dated 13.6.1985. These orders are challenged in this application.

By another order dated 21.6.1985 the Deputy Commissioner of Police, Delhi gave the applicant notice of termination of his services under sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Services) Rules 1965 and his services were duly terminated at the end of one month from that date i.e. on 21.7.1985. This order is also challenged in this application.

As will be seen from the above narration, the two orders which have given rise to the cause of action to the applicant are dated 13.6.1985 and 21.6.1985. This application has been filed on 17.5.1988. Limitation for filing an application expires one year after the cause of action arises. In this case, the application should have been filed in June, 1986. But it has been filed more than two years later. In ^{the} M.P. for condonation of delay, the applicant states that he was not feeling well and suffered from mental depression from which he could not recover for a year. He made a representation to the Home Minister on 29.5.1986 and a Memorial to the President on 21.10.1986. Again he had an attack of ^{and he} mental depression / had no money to pay for drafting the application and to meet the postal charges. He filed

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another Memorial to the President on 22.1.1987, sent a reminder and since nothing happened, he filed this application on 17.5.1988. The respondents have opposed his request for condonation of delay.

On a careful consideration of all the facts, we feel that the applicant has not been able to adduce reasonable cause for delay in filing this application. When he could, according to his own admission, make representations in May and October, 1986, he could surely have filed an application before this Tribunal at that time. We are, therefore, inclined to dismiss this application in limine as being out of time.

Having said so much, we also find that even on merits, the application does not deserve to be admitted. As we have already indicated, one of the orders challenged in this application is the order dated 21.6.1985 passed by the Deputy Commissioner of Police by which he was given notice of termination of his services under Rule 5(1) of the C.C.S.(T.S.) Rules, 1965 and was duly relieved in pursuance of that notice on 21.7.1985. This order is ex facie an order of termination simpliciter and does not, therefore, amount to a punishment. There is nothing in this application to suggest any male fides or animus against the applicant in passing this order. In view of this, the application so far as it makes a grievance of this order, deserves to be dismissed straightaway.

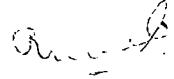
Once we hold that the applicant's complaint against the notice of termination of his services is unsustainable, the punishment of censure awarded to him and confirmed by the Appellate Order dated 13.6.1985, becomes a purely academic issue since he is already out of service. It is, therefore, not necessary to consider his objection against the said punishment.

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In view of the above, the application is dismissed at the stage of admission itself as being barred by limitation.



(P. Srinivasan)
Administrative Member



(P.K. Kartha)
Vice-Chairman (Judl.)