

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 125/88 Date of decision: 25.5.1993

Husan Singh. ...Petitioner.

Versus

Dy. Commissioner of Police, ...Respondents.
Delhi and anr.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. B.N. DHOUNDIYAL, MEMBER (A).

For the Petitioner. ... in person.

For the Respondents. ...Shri B.R. Prashar,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The petitioner has prayed in this application for quashing of the order dated 3.5.1984, Annexure 'B', by which he has been warned to remain careful in future and for a direction to grant him the conveyance allowance and washing allowance during the period of suspension from 23.6.1984 to 14.10.1984. Along with the application, the petitioner has also prayed for condonation of delay in filing the application as per Annexure 'J'. The respondents have filed a reply inter alia contending that the application is barred by time. We find that the application was presented only on 14.1.1988. The cause of action accrued in favour of the petitioner so far as the order issuing warning against him is concerned, on 3.5.1984. It is, therefore, prima facie barred by time. The petitioner in his application,

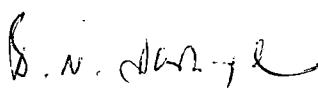
Annexure 'J' sought condonation of delay principally pleading that he was pursuing the suit, bearing No.1783/85 in the court of Tis Hazari, Delhi. Assuming for the sake of arguments that he was pursuing his case before a wrong forum, it would enable him to explain the delay until the disposal of the suit on 4.2.1987. From 4.2.1987 to 13.1.1988, there is no satisfactory explanation. Hence, on the short ground of limitation this application is liable to be rejected. It is, however, maintained by the petitioner, who argued his case in person, that the case having been admitted, he having been given an impression that his application will be entertained and that he having a very good case on merits, this is a case in which the delay should not come in his way. It is necessary to point out that the petitioner himself was conscious that his application was belated which is the reason why he made an application for condonation of delay as per Annexure 'J'. The respondents have also taken a positive stand that the application is barred by time and the same is liable to be dismissed. Hence, the petitioner cannot say that we should not examine the plea of delay at this stage.

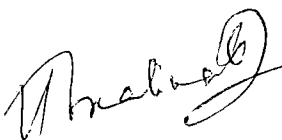
2. So far as the substance of the matter is

concerned, we do not feel that there is any serious

injury which requires examination by showing further

indulgence in the matter of condoning the considerable delay. All that happened is that the petitioner has been warned to be careful in future. That is not a grievance which merits to be examined now. So far as the claim of the petitioner for travelling allowance and washing allowance during the period of suspension is concerned, prima facie it is not maintainable as these allowances were compensatory and were required to be given only when he was functioning. Hence, we are not impressed by the argument of the petitioner. The petition, therefore, fails and is dismissed. No costs.


(B.N. DHOUNDIYAL)
MEMBER (A)


(V.S. MALIMATH)
CHAIRMAN

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