

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Misc. Application No. 040/00081/2020  
In  
Original Application No. 040/00261/2020

Date of Order: This, the 8<sup>th</sup> Day of March, 2021

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)**

**THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



Dr. Ashwin Kumar Mahanta  
Son of Sri Subal Chandra Mahanta  
Resident of Usha Prafulla Mansion  
House No. 3, Dinesh Ojah Path  
Bhangagarh, Opposite All Care Diagnostic  
Pin – 781005, Assam.

**... Petitioner**

-Versus-

1. The Navodaya Vidyalaya Samiti  
An autonomous organization  
Under the Ministry of Human Resource  
And Development, Department of School  
Education & Literacy, Government of India  
B-15 Institution Area, Sector 62  
Noida – 201307, Uttar Pradesh  
Represented by its the Commissioner.
2. The Commissioner  
Department of School Education & Literacy  
Government of India, B-15  
Institution Area, Sector 62  
Noida – 201307, Uttar Pradesh.

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3. The Deputy Commissioner  
Regional Office, Navodaya Vidyalaya Samiti  
Temple Road, Barik Point  
Lachumiere, Shillong – 793001.
4. The Principal  
Jawahar Navodaya Vidyalaya  
Niangbari, District – Ri Bhoi  
P.O. – Nongpoh, Meghalaya – 793102.
5. Sri T. Palani Velu  
Principal, Jawahar Navodaya Vidyalaya  
Sara, Eudupi, Karnataka, Pin – 576101.



### ...Respondents.

For the Petitioner : Sri U. Pathak

For the Respondents : Ms. A. Longsu

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### ORDER (ORAL)

#### MANJULA DAS, MEMBER (J):-

By this MA, the misc. petitioner/applicant pray  
for condonation of delay of about 5 (Five) years in filing  
OA. No. 040/00261/2020.

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2. Sri U. Pathak, learned counsel for the misc. petitioner/ applicant submitted that O.A. No. 040/00261/2020 has been filed praying for the following reliefs:



"8.1 To quash and set aside the impugned order dated 03.09.2015 (Annexure-A/1) communicated to the applicant on 01.12.2015 imposing major penalty of removal from service forthwith and grant all the consequential benefits.

2. To direct the respondents to reinstate the applicant in the post of PET with consequential benefits of back wages, increments, bonus, seniority, pay revision benefits along with any other consequential benefits.

3. Cost of the application.

4. Pass any such order/orders as Your Lordships may deem fit and proper."

3. It was submitted by the learned counsel that there was delay of 5 (Five) years in filing the O.A. therefore, the petitioner/applicant has filed the instant M.A. for condoning the said delay. According to the learned counsel, there was sufficient cause for not preferring the O.A. within the period of limitation.

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4. We have heard the learned counsel for the misc. petitioner and perused the documents placed on record. Section 21 of the Administrative Tribunals Act, 1985 provides for limitation of filing an OA as under:-

“21. Limitation –

(1) A Tribunal shall not admit an application, -

(a) in a case where a final order such as is mentioned in clause (a) of subsection (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.”



Further, sub-section 3 of Section 21 of the said Act, provides as under:-

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had

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sufficient cause for not making the application within such period.”

In the case of **Bhoop Singh vs Union of India & Others, 1992 AIR 1414**, the Hon’ble Supreme court has observed as under:-



“... Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief.”

5. We have noted that the misc. petitioner was sleeping over the matter for long 5 (Five) years. The principle canonized in well common law maxim ‘*vigilantibus, non dormientibus, jura sub-veniunt*’ meaning thereby that law assist those who are vigilant not those who are sleeping over their rights is applicable in this case. We do not find any sufficient reason to condone the delay as prayed by the misc. petitioners and in our opinion; the case is hopelessly barred by

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limitation. Accordingly, MA for condonation of delay is dismissed.

6. Consequently, O.A. No. 040/00261/2020 also stands dismissed.



**PB**

**(NEKKHOMANG NEIHSIAL)  
MEMBER (A)**

**(MANJULA DAS)  
MEMBER (J)**

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