

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEWDELHI

REGD. NO. OA 990/86

Date of Decision 11.11.87

Shri Vijay Pal Singh

.... Applicant

vs.

Union of India & others

.... Respondents

CORAM:- Hon'ble Mr. Justice J.D. Jain, Vice Chairman
Hon'ble Mr. Birbal Nath, Administrative Member.

FOR THE APPLICANT

... Shri Pankau Kalra, Advocate

FOR THE RESPONDENTS

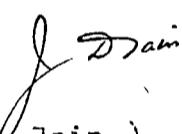
... Shri B.R. Prashar, Advocate

ORDER

We have heard the counsel for the applicant on the question of limitation. The applicant was employed as constable and dismissed from service vide order dated 18.1.1982 in terms of Rule 5 of C.C.S (Temporary Service) Rules, by giving one month's notice. He was relieved from his duty on 19.2.1982. He filed a statutory appeal against the said order which was dismissed on 2.6.82. He moved a Memorial against the appellate order but the same too was dismissed on 16.11.1982. Thereafter the applicant ought to have moved the Court of Law by way of a Civil suit or a Civil Writ Petition in High Court but he failed to do so. It was only on 11.11.1986 that he moved this application under Section 19 of the Administrative Tribunals Act. Since the cause of action had accrued to the applicant prior to the existence of the Tribunal he should have made this application within six months from the date of coming into existence of the Tribunal, i.e. he should have filed this application by the end of May 1986. However, it was filed on 11.11.1986.

2. The only explanation furnished by the applicant is that he is a poor schedule caste person and he was not conversant with the Law and therefore he did not knock the doors of the Court in time. He further states that it is a very hard case, therefore, in the interest of justice the delay be condoned. We are unable to agree with the contention of the learned counsel for the applicant. He has not shown any sufficient cause for condonation of delay. Hence this application is dismissed as barred by time.


(Birbal Nath)
Member (A)


(J.D. Jain)
Vice Chairman

Dated:- 11th November, 1987.