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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

MP No.961/86 &

O.A. No. 1186 198 6
T.A. No.

DATE OF DECISION 5.1.87

Shri Kartar Chand Applicant
 ~~Petitioner~~

Applicant in person ~~Advocate for the Petitioner(s)~~

Versus

Northern Railway, D.R.M. Office, Respondent
New Delhi.

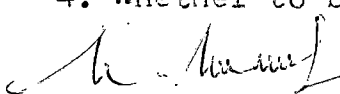
None ~~Advocate for the Respondent(s)~~

CORAM :

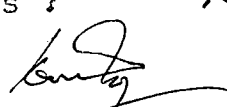
The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches ? No


(Kaushal Kumar)
Member

5.1.87


(K. Madhava Reddy)
Chairman

5.1.87

CENTRAL

ADMINISTRATIVE
PRINCIPAL BENCH
NEW DELHI.

TRIBUNAL

MP No.961/86 &
OA No. 1186/86

Dated: 5.1.1987

Shri Kartar Chand

----- Applicant

Vs.

Northern Railway,
D.R.M. Office,
New Delhi.

----- Respondent

CORAM : Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member

For the Applicant

--- Applicant in person.

For the Respondent

--- None

(Judgement of the Bench delivered by Hon'ble Mr.
Justice K. Madhava Reddy, Chairman)

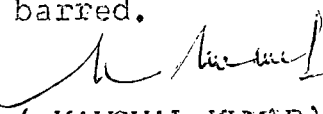
The grievance of the applicant relates to the period 1.1.79 to 31.12.82. The appeals preferred by him under the 'Service Rules' were finally rejected on 16.3.1984. There is no further appeal or revision under the 'Service Rules'. His further representation too was rejected on 19.5.84. Undeterred he made another representation; even that was rejected on 15.4.1985. Even if we take the last date, that is, 15.4.1985 as the final order, this application under Section 19 of the Administrative Tribunals Act, 1985 ought to have been filed before 14.4.1986, but it has been filed on 18.12.1986. The applicant, who is arguing in person, states that he had filed a further representation to the Minister, but no reply was received by him. There is no provision under the 'Service Rules' for such a representation. Hence that cannot operate as a fresh starting point of limitation. He also states that he had submitted the application to this Tribunal earlier but that was returned with an endorsement that " he should file a proper application under Section 19 of the Act." That




x communication was received by him on 17.11.86 and he claims that this application ~~xx~~ filed on 18.12.86, within one year of that communication, is within time. The return of the application filed on the administrative side, which is not maintainable in law, does not extend the period of limitation or give a fresh starting point of limitation. Return or rejection of that application only implies that if an application under Section 19 is maintainable and is filed within time that would be considered on the judicial side. This application which is filed to redress a grievance which is due to an act or omission of 1979 and 1982 and ^{is} in respect of a claim which was finally rejected by the Respondent in 1984 is barred by time viewed from any angle.

The applicant also prayed for condonation of delay. But all that he states in that application is that he had sent an application to Shri P.Chidambaram, State Minister for Personnel, Grievances and Pension. He expected and waited for a reply to be given to his representation and since he has not received any reply so far, this application was filed. He further states that he came to know about the formation of this Tribunal only on 16.10.86 though it was actually constituted on 1.11.1985.

None of the facts stated above are such which can be accepted as sufficient cause for condoning the delay. The petition for condonation of delay is, therefore, rejected. The main application is accordingly dismissed as time barred.


(KAUSHAL KUMAR)
MEMBER
5.1.87


(K. MADHAVA REDDY)
CHAIRMAN
5.1.87