

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

MP 1721/87
O.A. No. 1743
T.A. No.

1987.

DATE OF DECISION May 19, 1988.

Shri Inderjit Singh, Petitioner

Shri Sital A.K.Dar, Advocate for the Petitioner(s)

Versus

Union of India and others Respondents.

Shri Mukul Talwar, proxy counsel 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 other Benches? *No*


(Kaushal Kumar)
Member
19.5.1988.


(K. Madhava Reddy)
Chairman
19.5.1988.

6

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

MP 1721/1987
OA 1743/1987

May 19, 1988.

Shri Inderjit Singh Applicant.
Vs.
Union of India and others Respondents.

CORAM:

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

For the applicant ... Shri Sital A.K. Dar, counsel.

For the respondents ... Shri Mukul Talwar, proxy
counsel for Mrs. Avniash
Ahlawat, counsel for the
respondents.

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

This is an application under Section 19 of the
Administrative Tribunals Act, 1985, calling in question
the original order of dismissal made on 15.3.1984. Both
the appeal and revision petition against that order
were dismissed on 22.5.1984 and 15.3.1985 respectively.

These orders were not called in question before any
court of law. The applicant filed a memorial to the
Lieutenant Governor of Delhi which was dismissed on
20.3.1986. The order of dismissal which was confirmed
on appeal and revision in May, 1984 and March, 1985
could be challenged before the High Court under Article
226 of the Constitution of India at that time or before
the Central Administrative Tribunal after it was
constituted. After the Central Administrative Tribunal

was constituted, in respect of such matters, an application under Section 19 of the Act could be filed within one year from the date of that order or within the six months of the constitution of the Tribunal. Such an application was not filed. Instead a memorial to the Lieutenant Governor of Delhi was filed and the same was dismissed on 20.3.1986. Assuming that this order extends the period of limitation and an application under Section 19 of the Act could be made within one year from the date of that order, the application ought to have been filed on or before 19.3.1987. This application under Section 19 is filed on 17.11.1987. It is hopelessly barred by time.

A petition for condonation of delay is filed stating whether the High Court had jurisdiction in respect of such matters or the Tribunal had exclusive jurisdiction was in doubt. Therefore, a writ petition was filed before the High Court on 7.4.1986 and the High Court transferred the matter to this Tribunal under Section 29 of the Act on 29.3.1987. This Tribunal by its order dated 12.10.1987 held that any petition in respect of a service matter falling within the exclusive jurisdiction of the Tribunal, the jurisdiction of all courts including the High Court except the Supreme Court is barred and, therefore, such a petition could not be filed in the High Court. This Tribunal further held that only petitions pending in the High Courts on the 'appointed day' that is 1.11.1985 stood transferred to this Tribunal under Section 29 of the Administrative Tribunals Act and not

petitions filed before the High Courts thereafter. That order was made on 12.10.1987. The present application is filed more than 1 month 5 days of that order. No explanation whatsoever is offered for this delay except that the counsel had to prepare a large number of petitions. In any case, this Court by its judgment dated 25.4.1986 in Shri Surinder Nath & Ors Vs. Union of India (1) after hearing a batch of petitions had categorically held that it is the Tribunal alone that had jurisdiction in this matter and the jurisdiction of the High Court is barred. There was no excuse for not filing this application before this Tribunal immediately thereafter. More so, when the counsel for the applicant in that case was Shri Sital A.K.Dar who is now representing the applicant in the present case. Even if the correctness of the Tribunal's judgment in Shri Surinder Nath & Ors Vs. U.O.I. was doubted, there should have been no doubt left after the judgment of the Supreme Court in S.P.Sampath Kumar Vs. U.O.I & Ors (2) which was rendered on 9.12.1986. If in spite of the judgment of the Supreme Court in Sampath Kumar's case the applicant pursued the matter before the High Court and did not care to move this Tribunal, we cannot hold that sufficient cause for the delay has been shown and condone the same. In any

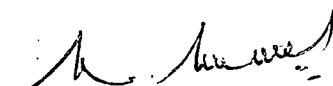
-----4-----

- 1. ATR 1986 (2) CAT 418.
- 2. ATR 1987(1) SC 34.



event, when a specific order was made by this Tribunal on 12.10.1987 that the Central Administrative Tribunal alone had jurisdiction in the matter and the writ petition did not stand transferred from the High Court, at least, then the applicant should have filed the application before the Central Administrative Tribunal. Instead he waited for another 1 month 5 days for no good reason. We do not find any sufficient cause has been shown for condoning the delay. The delay in filing this application is not condoned. The petition for condonation of delay is accordingly rejected. Consequently the O.A. 1743/87 is also dismissed as time-barred.

There will be no order as to costs.



(Kaushal Kumar)
Member
19.5.1988.



(K. Madhava Reddy)
Chairman
19.5.1988.