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CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, DELHI.

No. RA 12 of 1989 in OA 834/88

Date of decision: 9.6.1989

Shri Ashok Kumar Aggarwal

Applicant.

Vs.

Union of India

Respondents.

PRESENT

Shri K.N.R. Pillai, counsel for the applicant.


CORAM

Hon'ble Shri B.C. Mathur, Vice-Chairman.

RA No. 12/89 in OA 834 of 1988 has been filed against the orders of this Tribunal passed on 3.1.89 rejecting the application on the grounds of being time-barred.

2. The applicant has pointed out that there has been an error of law in the above order as although the Tribunal is bound by the period of limitation prescribed in Section 21 of the A.T. Act, it is not correct that Section 5 of the Limitations Act and the interpretation given to it by the Hon'ble Supreme Court does not apply to matters before the Tribunal. It has been stated that there is no contradiction between the limitation under Section 21 of the A.T. Act and the Limitation Act. According to the applicant, the Administrative Tribunals Act does not exclude Limitation Act. Section 5 of the Limitation Act provides for extension of the period of limitation if the applicant satisfies the court that he had sufficient cause for not making the application earlier. The ground in the original application stated by the applicant was that he was due to cross E.B. on 1.1.84 and the D.G. found him fit to cross the E.B. w.e.f. 1.1.1985 with no benefit of the past service whereas in the case of another Assistant Engineer, Shri M.C. Agarwal, he was allowed to cross the E.B. with the benefit of past service. On coming to know about the discriminatory attitude of the D.G., the applicant had made an appeal to the President of India to condone the delay as the grounds for discriminatory action were not known to him earlier, but the appeal was rejected being time-barred. It was held that representation to an authority does not extend the limitation under the Administrative Tribunals

Act and that the Tribunal should not sit as an appellate court over the jurisdiction of the competent authority as held by the Supreme Court in Jaswant Singh Brar Vs. State of Punjab & Haryana. In the original application, it was pointed out by the respondents that there has been no discrimination and the case of Shri M.C. Agarwal was considered separately on merits. The applicant's case was rejected being time barred by the administrative authorities. As such, the court held that there were no convincing reasons for hearing the case when the cause of action took place several years back. The fact that the applicant came <sup>late</sup> to know of the discrimination/ cannot be accepted as the case of Shri M.C. Agarwal was decided by the respondents on its own merit. As such, the application was considered time barred under Section 21 of the A.T. Act and there is no apparent error of law. In the circumstances, the R.A. is dismissed.

  
(B.C. Mathur)  
Vice- Chairman