

Central Administrative Tribunal
Principal Bench: New Delhi.

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Regn.No.OA-984/90

Date of Decision: 29.5.90

Ashok Kumar Baghel

... Applicant.

Vs.

Union of India & Ors.

... Respondents.

For the applicant

... Shri S.S.Duggal,
Advocate.

For the respondents

... None.

CORAM: Hon'ble Shri T.S.Oberoi, Member(Judicial).

Hon'ble Shri I.K.Rasgotra, Member(Administrative).

JUDGEMENT(ORAL)

(Delivered by Hon'ble Shri T.S. Oberoi).

Heard the learned counsel for the applicant on the question of admission and delay involved in filing the present application before this Tribunal.

2. On perusal of the documents filed alongwith the application, it is noticed that the order passed by the Industrial Tribunal on the matter moved by the applicant before that forum is dated 23rd February, 1988. The applicant's explanation is that his counsel, who was prosecuting the matter before the Industrial Tribunal on behalf of the applicant, did not inform him^{of} the decision given by the Industrial Tribunal, which had taken place on 23rd February, 1990 and it is only on getting some inkling about the finalisation of his case by the Industrial Tribunal, that he sent a letter dated 28th March, 1990 (Annexure P-5, at page 23 of the paper book), to the Presiding Officer of the Industrial Tribunal and asked for a certified copy of the judgement, which, according to the applicant, was received on the same date and thereupon, he moved this Tribunal, by way of the present OA. The learned counsel for the applicant thus pleaded that the applicant should not be made to suffer for negligence on the part of his counsel and, therefore, the delay involved in the circumstances, be condoned.

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3. We have given our careful consideration to the submissions made by the learned counsel for the applicant. Though the applicant has attempted to shift the entire onus on his lawyer, to our mind, the applicant failed to pursue the matter diligently before the Industrial Tribunal with whom the applicant's case was under adjudication. The judgement of the Industrial Tribunal is dated 23rd February, 1988, whereas the present application has been moved on 18th May, 1990. Thus, the delay ranges over a period of two ^{about} years and three months. We do not find sufficient grounds, as put forth by the learned counsel for the applicant, to cover the delay involved and taking the application as grossly belated and time-barred, dismiss the same.

I. K. Rasgotra
(I. K. Rasgotra)
Member (A) 24/5/90

T. S. Oberoi 29/5/90
(T. S. Oberoi)
Member (J)