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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. OA 115 of 1991

Date of decision: 18.2.91

Gopal Das

Applicant

Vs.

Union of India & Others

Respondents

PRESENT

Shri G.D. Bhandari, counsel for the applicant.

Shri B.K. Aggarwal, counsel for the respondents.

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Hon'ble Justice Shri Rampal Singh, Vice-Chairman (J).

Hon'ble Shri P.C. Jain, Member (A).

(Judgment of the Bench delivered by Hon'ble Justice
Shri Rampal Singh, Vice-Chairman.)

J U D G M E N T

By this application, filed under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter called the 'Act'), the applicant, Gopal Dass, has challenged the impugned order dated 15.12.88 (Annex. A-2) by which his prayer was turned down by the D.R.M. Northern Railway. Alongwith this O.A., the applicant has also filed M.P. No. 126/91 containing the prayer for condonation of delay in filing this O.A. within the period of limitation. The applicant has also filed an affidavit in support of this M.P.

2. The limitation provided in the Act is under Section 21. ^{Under} Sub-section (1)(a) of Section 21 of the Act, the period of limitation for filing an O.A. is prescribed as one year from the date on which a final order has been made. Apparently, the O.A. has been filed beyond the period of limitation. It is settled that the delay seeking the relief can be condoned if sufficient cause for delay is present. The sufficient cause shown in para 3 of the M.P. is that the applicant sought legal advice from an advocate at Ghaziabad who told him that no period of limitation is prescribed for retired Government

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servants. Thus, the applicant takes the plea that it is due to the wrong advice given by an advocate that he has filed this application after the lapse of the period of limitation. It is also well-settled that wherever the delay has occurred, each day's delay has to be explained by the applicant who seeks remedy in a legal court. Showing of the sufficient cause within the meaning of Section 5 of the Limitation Act, for not making the application within the period of limitation, is a condition precedent to the condonation of delay. The meaning from the provisions of Section 5 of the Limitation Act need not be imported while interpreting Section 21 of the Act. ^{Under} Sub-section (3) of Section 21 ^{applicant} has to satisfy the Tribunal ^{that} that he had sufficient cause for not making the application within such period. The cause shown in para 3 of the M.P. is unable to satisfy us that the applicant had sufficient cause for not making the application within the period of limitation. He has not supplied any particulars while praying for condonation of delay in para 3 of the M.P. Neither the name of the advocate has been disclosed nor the date on which he sought legal advice from the said advocate. In such a situation, in our view, sufficient cause does not exist and this Tribunal is not satisfied with the said sufficient cause shown by the applicant. Consequently, this M.P. which is devoid of any merit, is dismissed. In consequence, the O.A. filed under Section 19 of the Act cannot be admitted as it has not been filed within the period of limitation prescribed under the law. The O.A. is dismissed.

Cec. 18/12/1991
(P.C. JAIN)

Member (A)

Rampal Singh
(RAMPAL SINGH)

Vice-Chairman (J)