

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(9)

O.A. 1870/91

Date of decision: 24.12.82

Om Pal Singh

.. Applicant

versus

Delhi Admn. & ors.

.. Respondents.

Sh.J.P.Vergheese

.. Counsel for the applicant.

Sh.Om Prakash Yadav

.. Departmental representative
.. for the respondents.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J).

The Hon'ble Sh.I.K.Rasgotra, Member(A).

J U D G E M E N T

(Delivered by Hon'ble Sh.Justice Ram Pal Singh, V.C.(J))

The applicant was employed in Delhi Police as Head Constable and was posted in Mass Ration Store of First Battalion DAP. There was some discrepancy found in the accounts of ration stores for the months of May, June, July and August, 1983. It is alleged that an amount of Rs.7,992.54 were embezzled. A departmental enquiry was initiated against the applicant on 30.9.83 and the disciplinary authority imposed a punishment upon the applicant removing him from service. Thereupon the applicant filed his appeal before Additional Commissioner of Police which was rejected on 5.2.85. These two orders are being challenged in this O.A. filed under Section 19 of the Administrative Tribunals Act with a prayer that they should be quashed. He has also prayed for his reinstatement in service with consequential benefits. The applicant has filed an application for condonation of delay containing therein that a writ petition was filed

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in the High Court of Delhi by his counsel Sh. Shital A.K. Dar, which was dismissed. After this the Administrative Tribunals Act of 1985 came into force. He further contends in the M.P. that thereafter there was not any touch with his Advocate. In March, 1991 it is said that he came to know from his colleague that a sack of dumped documents in a dustbin near Mandir Marg has been found. He further contends that in this salvage he found this file and made a desperate search of the documents, hence, the delay in filing this O.A. According to him the Advocate expired sometime during December, 1990. On these grounds he prays for condonation of delay in filing this O.A. No records have been filed by the applicant to substantiate his grounds in this M.P. This M.P. does not contain any particulars as to who was his colleague who informed him, as to on what date he filed fresh petition in the Tribunal etc. etc. In the absence of any particulars we are unable to assess the sufficient grounds for condoning the delay.

2. According to the settled law each day's delay has to be explained satisfactorily by the applicant. The applicant has miserably failed to explain each day's delay. He, in his support, has cited 1991 (2) S.C.C. 788 and 1972 (1) S.C.C. 366. We have gone through these judgements and the ratio laid down is of no help to the applicant. We are of the view that this O.A. is hopelessly barred by limitation and no sufficient grounds exist for condoning the delay. Therefore, this O.A. is dismissed as barred by limitation with no order as to costs.

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER(A)

Ram Pal Singh
(RAM PAL SINGH)
VICE CHAIRMAN(J)