

16

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2133 of 1991
M.P. NO. 2168 of 1991

New Delhi this the 1st November, 1995.

HON'BLE SHRI N. V. KRISHNAN, ACTING CHAIRMAN
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Ex-Const. Mahabir Singh No.4560/DAP,
S/O Shri Lal Chand,
R/O Village & P.O. Dulehra,
P.S. Bahadurgarh, Distt. Rohtak,
Haryana.

... Applicant

(By Shri Shankar Raju, Advocate)

-Versus-

1. The Lt. Governor of Delhi,
Raj Niwas Marg, Alipur Road,
Delhi-110054.
2. The Commissioner of Police,
Police Headquarters,
M.S.O. Building, I.P. Estate,
New Delhi.
3. The Dy. Commissioner of Police,
Vth BN DAP, Kingsway Camp,
Delhi.

... Respondents

(None present)

O R D E R (ORAL)

Shri N. V. Krishnan :

We have heard the learned counsel for the applicant. There is a delay and M.P. 2618/91 has been filed seeking condonation of delay.

2. The relevant facts are that the applicant was dismissed from service by order dated 27.5.1987 of the disciplinary authority. His appeal was dismissed by the order dated 25.9.1987. A revision which was filed before the Commissioner of Police was similarly dismissed on 29.2.1988. Thereafter, it would appear that the applicant submitted a memorial in the nature of a mercy petition to the Lt. Governor which appears to have been forwarded by the departmental authorities on 4.4.1990 as is evident from the letter dated

u

25.4.1990 of the Joint Secretary (Home) which has been endorsed to various authorities on 18.5.1990. In that letter the Deputy Commissioner of Police (Hqrs.) was informed that the representation of the applicant received with the letter dated 4.4.1990 had been rejected. A copy thereof has been endorsed to the applicant on 18.5.1990.

3. The O.A. has been filed on 30.8.1991. In M.P. No. 2618/91 the applicant states that a copy of the Annexure A-7 letter dated 18.5.1990 was seen by him only in the last week of August, 1990 as it appeared to be misplaced by the members of the family who received it. Immediately thereafter, he consulted his advocate who advised him that the limitation of three years was available. Yet, he filed the O.A. within a year thereafter on 30.8.1991.

4. We have heard the learned counsel for the applicant. He tried to persuade us that the limitation would be counted only from 18.5.1990 when the communication of the rejection of the memorial was sent to him (Annexure A-7). So reckoned, there is a delay of a couple of months in the filing of the O.A. which he requests us to condone.

5. We put to the learned counsel that limitation in this case had begun to run on 29.2.1988 when the last statutory relief sought by the applicant, i.e., a favourable revisional order, was denied to him. In this connection, we drew his attention to the observation of the Supreme Court in State of Madhya Pradesh vs. S. S. Rathore (AIR 1990 SC 10) that only statutory representations are to be considered for limitation.

ll

12 (12)

6. The learned counsel was fair enough to concede that there ^{is such} is an observation of the Supreme Court in Rathore's case. In other words, only the statutory representations can be taken into account and if such statutory representations are not filed with the respondents within a period of six months, limitation starts running from the expiry of six months. In the present case, the revision sought for was dismissed on 29.2.1988. That being the case, this O.A. is clearly beyond limitation. No ground to justify the delay has been adduced. Accordingly, the M.A. for condonation of delay is dismissed.

7. Consequently, the O.A. is also dismissed.
No costs.



(Mrs. Lakshmi Swaminathan)
Member (J)



(N. V. Krishnan)
Acting Chairman

/as/