

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

O.A. 898/91

DATE OF DECISION : 14.5.1991

Charan Singh

...

APPLICANT

-Versus-

Union of India & Ors ...

RESPONDENTS

Shri B. B. Sharma

...

Counsel for the
Applicant

CORAM : HON'BLE MR. JUSTICE RAM PAL SINGH,
VICE CHAIRMAN (J)

HON'BLE MR. P. C. JAIN, MEMBER (A)

(Order of the Bench delivered by Hon'ble
Sh.P.C.Jain, Member(A))

O R D E R

We have heard the ld. counsel for the
applicant.

2. The applicant herein seeks quashing of the order by which his services are said to have been terminated with effect from 5.7.1971. No such order has been filed by the applicant and the ld. counsel for the applicant states that no such order was issued to the applicant. It is stated that the applicant continued to represent against the above action of the respondents by sending letters, sitting on hunger strike etc. He has however, not filed copy of any of his representations which might have been made against the alleged impugned order of termination of service.

Clear

3. The cause of action in this case had arisen three years prior to the date on which the Tribunal started exercising its jurisdiction, function and powers, and as such, the Tribunal has no jurisdiction in the matter in accordance with the provisions of sub-section(2) of section 21 of the Administrative Tribunals Act 1985. It has been held in a number of cases that in such a case the Tribunal has no powers even to condone the delay in filing the application.

4. Ld. counsel for the applicant stated on the question of limitation, that no limitation applies in view of the orders passed by the Supreme Court of India in writ petition (S)(Civil) No.127/91 Sh.Charan Singh Vs. U.O.I., on 21.2.91. It was a writ petition filed under Article 32 of the Constitution of India, and the orders passed by the Hon'ble Supreme Court are reproduced below:

"The writ petition is allowed to be withdrawn with the liberty to file an appropriate petition under article 226 in a competent court"

5. The above orders in the writ petition under article 32 of the Constitution, which was filed sometime in 1991, have to be read as to mean that an appropriate petition may be filed by the applicant in a competent court according to the provisions of law; the above orders do not waive

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either the limitation which may otherwise be relevant nor do they confer on the applicant a fresh cause of action in regard to grievance of the applicant for moving an application U/s 19 of the Act.

In view of the above discussions, we hold that the application is barred by limitation and is accordingly rejected at the admission stage itself as not maintainable.

Clear 14/5/1991
(P.C. JAIN)
MEMBER (A)

Clear 14/5/91
(RAM PAL SINGH)
VICE CHAIRMAN (J)