

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1205/2004

MA NO 1618/2004

New Delhi this the 17th day of May, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri S. A. Singh, Member (A)

Chandra Mohan Kandwal  
C/o Sudhakar Kala,  
Gali No.4, Saheed Bhagat Singh Colony,  
Karawal Nagar,  
Delhi.

...Applicant.  
(By advocate: Shri A.S. Rawat)

VERSUS

1. Union of India, Secretary,  
Department of Post and Telegraph,  
New Delhi.
2. Superintendent of Post Offices,  
Pauri Division,  
Pauri Garhwal,  
Uttaranchal.
3. Chief Post Master General,  
Uttaranchal Division,  
Dehradun, Uttaranchal.

... Respondents.

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

The applicant, by virtue of the present application, seeks quashing of the orders passed by the disciplinary as well as the appellate authorities.

2. The applicant was an Extra Departmental Sub-Post Master. Based on certain articles of charge, after an enquiry, he was dismissed and his appeal was also rejected.

3. Alongwith this application, a Miscellaneous Application has also been filed seeking condonation of delay in filing the Original Application.

4. It has been pleaded that the ~~final~~ appellate authority has passed its order on 21.6.2001 rejecting his appeal which the applicant was not aware. The applicant then enquired from his counsel about the same and a

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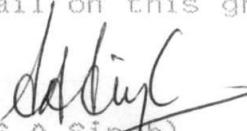
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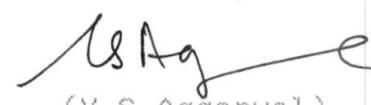
certified copy of the order was delivered to him on 6.4.2002. He was wrongly given legal advice that there was no merit in the application. He further sought legal opinion about the feasibility of filing the present OA. The counsel sought money for the same in advance which he could not make available immediately being a dismissed employee. After arranging funds, he filed the present application.

5. After perusal of the miscellaneous application, we are of the considered opinion that there is little ground to condone the delay. Reasons are obvious that the applicant contends that he was misled by the legal advisor but the name of the person whom he contacted, where he contacted and when he contacted is nobody's decision. In the face of mere allegations which are vague will not permit us to hold that there is any just exception to condone the delay.

6. Same position pertains to the second plea taken by the applicant that he was short of funds and therefore could not file the application in the earlier occasion. It is not known as to when the funds became available so that Tribunal could see as to for which period limitation has to be condoned.

7. In view of the matter, there is no ground to condone the delay. Resultantly, the application must fail on this ground and the same is dismissed.

  
(S.A. Singh)  
Member(A)

  
(V.S. Aggarwal)  
Chairman

/kdr/