

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA NO. 1660/2004
MA NO. 2248/2004

New Delhi, this the 18th day of January, 2005

**HON'BLE MR. JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE MR. S.A. SINGH, MEMBER (A)**

R.C.Chatrath
S/o Sh. Faqir Chand Chatrath,
R/o B-90, Amar Colony,
Lajpat Nagar,
New Delhi.

...Applicant

(By Advocate: Shri Shrigopal Aggarwal)

-versus-

Union of India through:

1. Secretary,
Ministry of Small Scale Industries,
Udyog Bhawan,
New Delhi.
2. Development Commissioner,
Ministry of Small Scale Industries,
Nirman Bhawan,
New Delhi- 110 011.

...Respondents

(By Advocate: Shri Rajesh Katyal)

ORDER (ORAL)

Justice V.S. Aggarwal, Chairman:

Applicant (R.C.Chatrath) is working as Deputy Director (Mechanical) in the office of Director Small Scale Industries Service Institute, Okhla, New Delhi. By virtue of the present application, he seeks quashing/expunging the adverse remarks in the confidential reports of the applicant for the period 1996-97 and 1997-98 contending that they were ^{recorded} malignant by ill design of the reporting officer. He also seeks quashing of the warning awarded on 29.09.1999, which has been kept in the C.R. Dossiers of the applicant without following the guidelines of the Government and the decision of this Tribunal.

2. Along with the application, an application has been preferred seeking condonation of delay in filing of the Original Application. Applicant pleads that in the last decade, there were certain happenings in the life of the applicant, which were tragic and disturbing and, therefore, he could not file the Original Application in time. He seeks



condonation of delay in filing of the Original Application giving the following particulars:

	"PARTICULARS	DATE OF REJECTION OF APPLICANT'S REPRESEN- TATION	PERIOD OF DELAY
15D	Adverse Remarks-ACR for 1996-97	26.11.1998	5 YRS-10 M-
	1997-98	2.11.1998	5 YRS-11M-8D
	Warning letter kept in CR Dossier	29.9.1999	5 YRS-0M-9D"

3. Applicant pleads that there was no guarantee for the food of the applicant during the last few years. He himself became unwell in 1999 while working at Agra. He suffered from depression. His wife suffered a heart problem in April, 2000. She had to be operated at G.B. Pant Hospital. In this backdrop, he seeks condonation of delay in filing of the Original Application.

4. The Original Application is being contested. Even the application seeking condonation of delay is being contested. It is denied that there were any tragic happenings in the life of the applicant due to which he could not file the Original Application within time. There were no such domestic problems and so far as his wife is concerned, respondents'

Ms Nag

contention is that she was only admitted in hospital for about nine days. According to the respondents, there were no grounds for condonation of delay.

5. Under the provisions of the Administrative Tribunals Act, 1985, under Section 21, the period of limitation has been prescribed. It is one year from the date the cause arises to file the application. A Division Bench of the Punjab & Haryana High Court in the case of Ramesh Kumar vs. Union of India & Ors., 2003(6) SLR p.55 had gone into this question as to why the shorter period of limitation is prescribed, holding:

“10. The reason for prescription of a shorter period of limitation for filing an application under the Act as compared to the limitation prescribed for filing civil suits is not difficult to fathom. This must have been done by the Parliament keeping in view the object sought to be achieved by enacting special legislation under Article 323-A of the Constitution of India to deal with service disputes and complaints of the employees and other aggrieved persons. The main object behind the creation of special adjudicatory forum for resolution of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of union etc., was to provide speedy remedy to the aggrieved persons and also to reduce the

Ms Ag

burden of regular courts. While doing so, the Legislature was alive to the fact that one of the major causes for the declining the efficiency of services was the long pendency of litigation in the courts relating service disputes. Therefore, with a view to ensure that such complaints and disputes are adjudicated/resolved expeditiously, limitation of one year only came to be prescribed with a provision for extended period of limitation of one year and six months for those cases in which the aggrieved employee may have made appeal/representation and the same may not have been decided by the concerned authority. If the legislature had returned the period of limitation prescribed for filing civil suits, the tribunal constituted under the Act would have been reduced to the level of any ordinary forum for education of service disputes and the purpose sought to be achieved by enacting the special legislation would have been frustrated."

6. Learned counsel for the applicant relied upon the decision of the Supreme Court in the case of Ram Nath Sao vs. Gobardhan Sao & Ors., AIR 2002 SC 1201. Perusal of the said decision clearly shows that it is distinguishable. Therein, the Supreme Court found that the appellants were rustic and illiterate villagers who belonged to different families, different villages within different police stations. It is in that backdrop that the Supreme Court felt that delay can well be condoned.

Ms Ag

7. The position herein is not the same. The applicant seeks condonation of delay, which is of five years and more. It has to be remembered that the applicant has filed the application seeking condonation of delay after it was pointed in the counter reply that it is barred by time. In the first blush, the applicant in paragraph 3 of the ~~main~~ application had pleaded that it is within time. So far as reasons given for condonation of delay are concerned, it is obvious that they do not make a good ground for condonation of delay. We do not dispute that wife of the applicant was unwell but the medical certificate indicates that she was admitted to the hospital for a short period. Even if the applicant was unwell, it will not be a good ground to condone the delay of five years. This is for the reason that applicant had earlier been filing different applications. Thus, it is not a case where it can be stated that there are just and sufficient grounds for condonation of delay. The grounds taken, to which we have referred to above, give cosmetic treatment to the pleas taken rather than making a sufficient ground.

8. It was pointed that applicant was posted at Agartala and Agra where there were no Administrative Tribunal that was available. But once again, on this ground, it cannot be held that it is a good ground

As Afey

to condone the delay. This is for the reason that, as referred to above and re-mentioned at the risk of repetition, the applicant has been filing certain other petitions. But now to state that for this particular petition, it should be taken as a good ground for condonation of delay, the same would be patently erroneous. No other argument has been raised.

9. For these reasons, the application seeking condonation of delay fails and is dismissed. Resultantly, Original Application is also dismissed.


(S.A.Singh)
Member (A)


(V.S. Aggarwal)
Chairman

 /na/