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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

M.A.No.1482/2004 in
O.A.NO.1767/2004

New Delhi, this the 9th day of August, 2004

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

Chander Pal
s/o Late Sojimal
r/o Vill: Rahadra, Post: Paswara
Distt: Meerut. ... Applicant

(By Advocate: Sh. A.K.Trivedi)

Versus

1. Govt. of NCT of Delhi
through it's Chief Secretary
Delhi Secretariat
Delhi.
2. The Commissioner of Police
Delhi Police Headquarters
I.P.Estate, I.T.O., New Delhi.
3. The Addl. Commissioner of Police
Armed Police, Delhi Police, Delhi.
4. The Deputy Commissioner of Police
VII BN, DAP, Delhi. ... Respondents

O R D E R (Oral)

Justice V.S. Aggarwal:-

Applicant (Chander Pal) by virtue of the applicant application seeks to assail the order passed by the disciplinary authority dated 16.4.2002 and of the appellate authority dated 6.8.2002.

2. Needless to state that the applicant was a Constable in Delhi Police. Vide the impugned order passed by the disciplinary authority, he was dismissed from service and his appeal had also failed.

3. Along with the application, a Miscellaneous Application has been filed seeking condonation of delay. The ground taken up by the applicant is that he fell sick and was suffering from



Tuberculosis of lungs. He remained under treatment
with the private doctor who advised him rest from
1.9.2002 to 4.5.2004. He did not have any source of
income and therefore, could not file the Original
Application in time.

4. When the matter came up for hearing on
23.7.2004, the learned counsel for the applicant had
stated that in support of his application for
condonation of delay, he will file necessary
prescription slips given by the concerned doctor who
was treating the applicant. On this statement, the
matter was adjourned for today. We were informed that
no such prescription slips prescribing the medicines
from the doctor were available and he could only
produce the medical certificate in this regard.

5. The medical certificate filed reads:

"MEDICAL CERTIFICATE

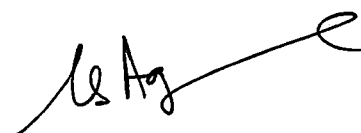
S.No.488 Fitness Dated 4-5-2004

Signature of the Patient: Sd/-

After careful and thorough
observation I certify that the above
singed Shri Chander Pal Singh is
suffering from Tuberculosis of lungs is
under my treatment.

In my opinion he/she is unable to
perform his/her duties & requires in this
treatment in my ___ days complete rest
with effect from 1.9.2002 to 4.5.2004 to
regain his/her health. The patient is
physically completely from 4.5.2004
Evening.

Address Village Rhadra Sd/-
P.O. Paswara Dist.Meerut Dr.Achal Sharma
Uttar Pradesh B.H.M.(S)Jaipur
Shalamar Village, Delhi-88"



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6. We have heard the applicant's counsel in this regard. According to the learned counsel, the applicant was suffering from the prolonged ailments. We, as already referred to above, to make sure about this fact, wanted the learned counsel to place on record the medicines prescribed from time to time by the doctor. Unfortunately, the same has not been placed on the record and we were informed that no such prescription is available. It cannot be believed that in case the applicant was unwell, no such prescription had ever been given to him. It is difficult, therefore, to believe the assertions of the applicant.

7. The other plea that the applicant was not able to arrange for funds by itself was vague and necessarily has to be rejected.

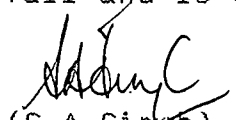
8. Under Section 21 of the Administrative Tribunals Act, 1985, the Tribunal has not to admit any application unless it is within time. Sub-Section (3) to Section 21 permits the Tribunal to condone the delay if there was sufficient cause for not making the application within the prescribed period.

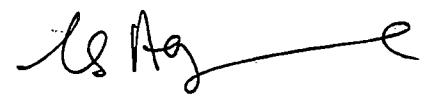
9. The expression sufficient cause necessarily is to be given liberal meaning so that the justice is administered between the parties rather to fall on the technicalities.

LS Ag

10. In the present case, the sufficient cause shown as already referred to above, is not at all convincing for the reason which we have already recorded. Therefore, there is no ground to condone the delay.

11. Resultantly, MA No.1482/2004 must fail and is dismissed. As a corollary, the OA must also fail and is dismissed.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

/NSN/