

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

Q.A 1501/92

DATE OF DECISION: 18.9.1992

Changu Singh

... Applicant

vs.

Union of India and Others.

... Respondents

For the applicant

.. Shri A.K.Bhardwaj,
Advocate

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THE HON'BLE MR.S.P.MUKERJI, VICE CHAIRMAN

THE HON'BLE MR.T.S.OBEROI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters or not ?

JUDGMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application the applicant who has been working as Fitter under the Director General of Ordnance Factory has sought the following reliefs quoted below:

- a) That the act/order of the respondents of giving effect to the promotion of the applicant as fitter (T&G)(B) HS II from 1.10.1987 and not from 14.10.1985 may please be declared as illegal and discriminatory.
- b) That their Lordships of Hon'ble Tribunal would be pleased to mandate the respondents to give effect to the promotion of the applicant as Fitter (T&G)(B)HS II in the grade of Rs.1200-1800 from 7/10.1985 with all consequential benefits.
- c) That their eminent Lordships would be pleased direct the respondents to allow the revised pay scale of Rs.1200-1800 to the applicant w.e.f. 7.10.1985.

(S)

- d) That the Original Application of the applicant may please be allowed with cost of the litigation.
- e) That any other order which their eminent Lordships of Hon'ble Tribunal deem fit and proper in the existing circumstances of the case may please be granted to the applicant.

2. We have heard the learned counsel for the applicant at the stage of admission. The first relief at (a) above arises out of an order issued by the respondents on 23.6.1989. The second relief at (b) arises out of the order issued by the respondents on 16.5.89. The third relief at (c) is related to the second relief at (b) above. The other reliefs at (d) and (e) are only formal in nature. Since the cause of action in this application arose in May and June 1989 while the application was filed on 3rd June 1992, the application apparently seem to be time-barred. On 7th September the applicant filed an M.P. for condonation of delay stating that he is a poor Group-D employee and that being aggrieved by the impugned orders he had made representations on 6.11.89, 12/89, 21.12.89 and 20.5.1992 without any effect. That he met the counsel in January 1991 and expressed that he was not in a position to arrange the expenses for filing an application before the Tribunal and that his counsel expressed the opinion that the plea of limitation cannot be raised by the respondents. The applicant has stated that the delay in filing the present application due to the bonafide error of the counsel and should be condoned.

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3. From the facts and averments of the case it is clear that the applicant has not been vigilant in pursuing his case. Even when his third representation dated 21.12.89, i.e., more than four years after the impugned orders were passed had failed to elicit any response from the respondents, he slept over his claims for about two years and filed the 4th representation only on 20.5.1992. His plea that he was wrongly advised by his counsel is also not very convincing. If paucity of funds for stationery charges and bonafide error of the counsel are to be taken into account for condonation of delay, the Law of Limitation will not carry much meaning.

4. In the circumstances we find that the application is hopelessly time-barred due to laches on the part of the applicant and dismiss the same under Section 19(3) of the Administrative Tribunals Act. There will be no order as to costs.

SC
18.9.92

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(T.S. OBEROI)
JUDICIAL MEMBER

(S.P. MUKERJI)
VICE CHAIRMAN

n.j.j