

- 3 -

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 3174/92

DECIDED: 27.1.1993

Rishi Pal

... applicant

Vs.

Union of India & Anr.

... respondents

CORAM : THE HON'BLE MR. P. C. JAIN, MEMBER,
THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

None present for the applicant.

JUDGMENT (ORAL)

Hon'ble Mr. P. C. Jain, Member (A) :

None appears for the applicant. He has also not placed additional material on record which the learned counsel for the applicant undertook to do on the last date, i.e. 6.1.1993. We have perused the O.A.

2. This O.A. has been filed against the alleged action of the respondents in not allowing the applicant to join duties since 3.9.1982. No impugned order has been annexed. He has prayed for a direction to the respondents to take him back on duty with all the benefits along with cost of this application. Thus, the application is not only barred by limitation but the Tribunal has also no jurisdiction in this matter as the cause of action accrued to the applicant prior to three years of the date of coming into force of the Administrative Tribunals Act, 1985 on 1.11.1985.

3. The applicant has filed a petition for condonation of delay in which it is stated that his services were terminated on 3.9.1982 on account of false allegations that the applicant was involved in a case of theft of 10 relays. He was arrested on 4.9.1982 and released ^{on} presumably on bail on 7.9.1982. It is

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stated that he was not allowed to join duties after his release on bail and that he had made a request to which no reply was received. It is further stated that the criminal case is pending in the court and no final order of termination of service has been passed. As regards the grounds for seeking condonation of delay, only two things are mentioned in this petition. Firstly, it is stated that the applicant is poor person with poor means and was short of money and thus was not in a position to engage a lawyer. Secondly, it is mentioned that the case of one Shri Shyam Lal was decided on 30.4.1990 and he introduced the applicant on 11.11.1992 to Shri Surendra Gandhi, Advocate, who had conducted his case and requested him to charge his fees after the job is restored to the applicant for which the Advocate had consented. It is clear that this petition does not explain sufficiently the reasons for delay in approaching the Tribunal. He must have engaged a lawyer in the criminal case in which he was arrested and also said to be released on bail. Thus, the ground of poor means is not of much help to the applicant. The decision in another case does not give a fresh cause of action or limitation.

4. We are, therefore, of the considered view that the petition for condonation of delay cannot be accepted and the same is accordingly rejected. Consequently, the O.A. is barred by limitation and is also not maintainable. Apart from that, it is also barred by jurisdiction. The O.A. is accordingly, dismissed at the admission stage itself as not maintainable.

J. P. Sharma

(J. P. Sharma)
Member (J)

(S. C. Jain)

(P. C. Jain)
Member (A)