

IN THE CENTRL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

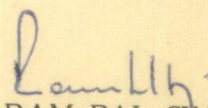
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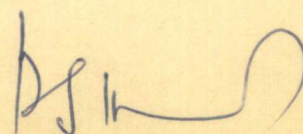
R.A. No. 254 of 1992 in OA No. 6 of 1992.

Sohanbeer Singh vs. Union of India

This review application has been filed by the applicant containing the prayer to review the judgment passed in O.A. No. 6 of 1992 on 26.5.1992. The O.A. was dismissed on the ground of limitation. The petitioner in this R.A. prays for review of the judgment on the ground that there is no limitation prescribed for challenging a void order. He has also cited case laws in the petition which we have perused. The settled position of law is that even if there is a void order, it has to be challenged within the prescribed period of limitation. The Administrative Tribunals Act is a special law and provides under Section 21 specifically the period of limitation for filing an O.A. Even if the impugned order in the O.A. is void ab initio, it has to be challenged in a court of law during the prescribed period of limitation. We are fortified in our view by the judgment in Dhiru Mohan's case (Full Bench - Central Administrative Tribunal, Ahmedabad - O.A. No. 13 of 1989 decided on 11.7.91). A void order has no existence in the eyes of law and even if it has to be challenged, it has to be challenged within the period of limitation and not otherwise. The alleged impugned order is said to be void ab initio by the petitioner which was passed on 1.12.67 and it is this order which was impugned in the O.A. As we have arrived at the conclusion that a void order has also to be challenged within the period of limitation, this O.A. has no merit. No other point has been raised. Therefore, this R.A. is dismissed without notice.


(RAM PAL SINGH)
VICE-CHAIRMAN (J)

Hon'ble Member - Shri P.S. Habeeb Mohamed

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