

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

OA.No. 1907/92
RA-349/92

DATE OF DECISION 27-9-93

<u>Sh. K. A. Batra</u>	Petitioner
<u>in person</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. & Ors</u>	Respondent
	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. N.V. Krishnan, Vice Chairman(A)

The Hon'ble Mr. B.S. Hegde, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

ORDER(ORAL)

(delivered by Sh. N.V. Krishnan, V.C(A))

We have heard the applicant regarding RA-349/92 which is in respect of order dated 26-8-92 by which OA No. 1907/92 was rejected on the grounds that OA is hopelessly barred by limitation.

2. It is admitted that the applicant had to face trial in the court of Additional Chief Metropolitan

Magistrate Delhi in 1978 and court discharged him in 82. He was then reinstated by order dated 11.11.83. Juniors to the applicant were promoted as Assistant Collectors in Central Excise and Customs department. The applicant admits that he then made a representation to the Government.


3. In the meanwhile, Government had moved against the discharge before the High Court, which maintained the order of discharge. It appears that the Govt. preferred S.L.P. before the Supreme Court which was rejected in the year 1989. The applicant contends that limitation will count from the date the SLP was dismissed. The OA had been filed on 17.9.92.

4. The applicants' only contention is that as SLP filed by the Government was dismissed in 1989.

This application could be filed under the Administrative Tribunals act, 1985 and question of limitation should be considered for condonation. In the order dated 26.8.92 of the Bench is held that cause of action accrued to the applicant 1983 and as applicant has not filed this OA within one year from the date of commencement of the Administrative Tribunals Act, 1985 it is barred by limitation.

5. We are of the view, that the action of the Government in getting the order of discharge vacated by Superiour Court does not have any relevance. He was aggrieved when junior were promoted in Nov., 1983 and indeed, he admits that because of his grievance, he filed representation to the Government which remain^d undisposed of. It is thus clear that cause of action arose in Nov., 1983. Therefore, we do not find any error in the earlier order dismissing the OA as barred by limitation.

6. R.A. is, therefore, dismissed.


(B.S. HEGDE)
MEMBER(J)


(N.V. KRISHNAN)
VICE CHAIRMAN(A)

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