

In the Central Administrative Tribunal  
Principal Bench, New Delhi

Regn. No. OA-1174/93

Date: 4.6.1993.

Shri O.P. Singh .... Applicant

Versus

Union of India & Ors. .... Respondents

For the Applicant .... Shri O.P. Girotra, Advocate

For the Respondents .... -

CORAM: Hon'ble Mr. I.K. Rasgotra, Administrative Member  
Hon'ble Mr. J.P. Sharma, Member (Judl.)

1. To be referred to the Reporters or not?

Judgement (Oral)

(of the Bench delivered by Hon'ble Mr. I.K.  
Rasgotra, Administrative Member)

Heard Shri O.P. Girotra, learned counsel for the petitioner.

This O.A. has been filed by the applicant challenging the order dated 6.1.1993 of the Appellate Authority disposing of the appeal dated 29.9.1992 filed by the petitioner with the following order:-

"Since the case is time-barred, appeal rejected".

Vide our order in OA-79/87 decided on 3rd August, 1992, we had directed the petitioner to avail of the remedy available to him by way of filing an appeal to the appellate authority. While declining to interfere on merits, we disposed of his application with the following directions:-

"1. After the applicant presents an appeal to the appellate authority within a month from this date, the appellate authority shall dispose of the same on merits without raising any objection with regard to limitation.

2. The appellate authority shall dispose of the

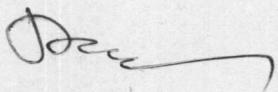
91

appeal on merits in accordance with law with utmost expedition. No costs."

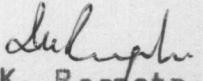
2. The petitioner filed an appeal addressed to the Additional D.R.M., Jhansi, on 29.9.1992, whereas by way of special indulgence, we had allowed him to file appeal before the appellate authority "within a month from this date." This order was passed in the presence of Shri S.K. Bisaria, learned counsel for the petitioner. We also allowed the petitioner to file an appeal within one month from this date, i.e., 3rd August, 1992, condoning the delay in his not filing the appeal in accordance with the statutory rules; he filed the appeal well after the expiry of one month from 3rd August, 1992. The petitioner, therefore, did not pursue the matter in accordance with our directions. Shri O.P. Girotra, learned counsel for the petitioner who appeared today, submits that the petitioner acted with diligence and obtained a copy of the judgement on 9.9.1992 by contacting the Registry and he filed the appeal on 29th September, 1992, after he had obtained a copy of the judgement. The learned counsel, Shri O.P. Girotra, submits that the period of one month for filing the appeal should have been reckoned from the date the order of the Tribunal was communicated to the petitioner.

3. We have considered the arguments put forth by the learned counsel for the petitioner and perused the records.

We are, however, not inclined to accept the plea that the appeal was filed by the petitioner within one month from the date of our order, i.e., 3rd August, 1992. The language of the order is very clear and leaves no ground for any ambiguity. In view of the above circumstances, the O.A. is dismissed at the admission stage itself.

  
(J.P. Sharma)

Member (Judl.)

  
(I.K. Rasgotra)

Administrative Member