

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1438/1993

MP-1929/93

New Delhi, dated the 17th Feb., 1994

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

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

Shri Lakhbir Singh

Working as Inspector of works
(Eviction)

under Divisional Supdt. Engineer (Estate)

Northern Railway, New Delhi

R/o 3/1, Railway Colony, Kishanganj, Delhi

.. Applicant.

(By Advocate Sh. S.K. Sawhney)

Versus

1. Union of India, through
Genl. Manager,
Northern Railway,
Baroda House, New Delhi
2. Divisional Rly. Manager,
N.R. D.R.M. Office Chelmsford Rd.,
New Delhi.

.. Respondents.

(None for the respondents)

ORDER (ORAL)

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

Applicant has filed MP 1929/93 for
condonation of delay.

2. Original application is filed against the
Ann.A.1 order dated 16.9.90 of the Divisional ^{Officer} Personnel,
Northern Railway, New Delhi. This O.A. was filed on
14.7.1993. Obviously, the OA is belated. MA 1929/93
is filed for condonation of delay. The plea taken is
that in respect of the period from 14.10.86 to 14.5.89

7

referred to in the impugned Ann.A.1 order, the applicant was seeking an alternative remedy under Section 33 C(2) of the I.D.Act and that, therefore, there had been an unintended delay in filing this application.

3. We have heard the ld.counsel for the applicant. The impugned order Ann.A.1 itself was passed in pursuance of the Ann.A.3 judgement in OA No. 327/HR/87 filed by the applicant in the Chandigarh Bench of this Tribunal. Therefore, it is not if the applicant was not aware of the Tribunal and its functions. If, inspite of that cannot this, he chose to approach a wrong forum/be a good ground to condone the delay. The matter would have been different if such a mistake had been committed when the Administrative Tribunals Act had just been enforced. The applicant had ^{no} to excuse to approach a wrong forum after he obtained the Ann.A.3 judgement.

4. In the circumstances, we find no merit in the M.P. Accordingly, MP for condonation of delay is dismissed. OA is therefore, dismissed as time barred.

(B.S. Hegde)

Member(J)

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(N.V.Krishnan)

Vice Chairman(A)