

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1809/93

New Delhi, dated the 9th Feb., 1994

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

Hon'ble Sh. B. S. Hegde, Member (Judicial)

Shri Raj Bir Singh,
Qr. No. 11, Block No. 8,
Prem Nagar, New Delhi

... Applicant

(By Advocate Shri R. L. Sethi)

Versus

1. Administrator,
National Capital Territory of Delhi,
Raj Bhawan, New Delhi.
2. The Commissioner of Police, I.P. Estate,
New Delhi.
3. The Deputy Commissioner of Police, IX Bn.,
DAP, Delhi, Pritam Pura, Delhi

.. Respondents

ORDER (ORAL)

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

We have heard the learned counsel for the applicant.

2. In so far as the direction on the last date is concerned he refers us to para 5(a) of the Delhi Police (Appointment and Recruitment) Rules, 1980. In the appeal filed by him to the Commissioner of Police on 24.2.1988 (ANN. A-3) the extract of this rule is given in para 2(iv). It should

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be read as Rules 5(e) and not rule 5(a). Rule 5(e) also is not reproduced properly. That, however, is ^{of} no consequence. For, we are of the view that this O.A. can be disposed of otherwise.

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3. The applicant has filed MA 3706/93 seeking condonation of delay. He is aggrieved by the Ann.A-4 order of termination dated 3.9.1987. OA has been filed on 16.8.1993.

4. It is seen that the termination order has been made in pursuance of Rule 5 of the CCS(CCA) Tempy. Services Rules, 1965.

5. Therefore, applicant sent representation on 22.9.87 (Ann.A-6) That representation was rejected by the Ann.A-5 order dated 24.11.1987

6. In the circumstances the cause of action ^q arose on the date when Ann.A-5 was issued. Obviously, this OA has been filed after a long delay.

7. MA 3706/93 is filed for condonation of delay stating that, on legal advice, the applicant was pursuing other legal remedies like filing an appeal to the Commissioner of Police on 24.2.1988 and revision to the Administrator, Delhi Administration on 8.12.1989 (Ann.A.2) and lastly by filing memorial to the President of India on 3.3.1992 (Ann.A-1).

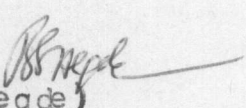
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8. Ld.counsel for the applicant, therefore, requested that in view of the steps taken by the applicant to pursue other remedies, the delay should be condoned. (9)

9. We have carefully considered the prayer. There is no statutory appeal against an order of termination under Rule 5 of the CCS(CCA) Temporary Services Rules, 1965. Even if the appeal dated 24.8.1988²⁴ (Ann.A-3) is treated as a representation, the cause of action arose 6 months after it was filed and not disposed of. Thus the limitation started on 24.8.88² and expired on 24.8.89.

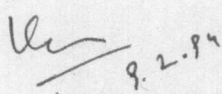
10. Therefore, this O.A. is hopelessly barred by limitation. MA does not give any satisfactory reasons/ for condonation. Hence it is dismissed.

11. OA also, therefore stands dismissed.


(B.S. Hegde)

Member(J)

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(N.V. Krishnan)

Vice Chairman(A)