

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 895/93

MP-1265/93

New Delhi, dated the 22th Feb., 1994

Hon'ble Mr. N. V. Krishnan, Vice Chairman(A)
Hon'ble Mr. B. S. Hegde, Member(Judicial)

Shri Hari Chand
E/o Sant Nirankari Satsang Bhawan,
behind Central School, Tagore Garden Ext.,
New Delhi-110027

.... Applicant

(By Advocate Sh. Harminder Singh)

Versus

1. Union of India
through its Chief Secretary
Ministry of Home Affairs, Govt. of India,
South Block, Central Sectt., N/Delhi
2. The Delhi Administration, Delhi through
the Hon'ble Lt. Governor, Administrator,
Raj Niwas, Rajpur Road, Delhi
3. Director of Education,
Delhi Administration, Old Sectt.,
Delhi-110054

ORDER(ORAL)

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

Applicant has filed MP 1265/93 for
condonation of delay. In para 1 of the O.A. it is
stated that the application is made against the
Annexure C order dated 23.8.1974 and against the
Annexure-G order dated 19.11.1988 in consequence
of which the benefit of selection grade has not been
released in favour of the applicant. The following
prayer has been made:-

"That the respondents be directed to
consider continuity of service of applicant
henceforth w.e.f. 1.9.50 to 31.7.1956

rendered by applicant in 'JANTA CRAFTS HIGH SCHOOL' with release of all ancillary benefits with interest @ 24 per cent per annum upto-date ;

The applicant be also awarded Selection Grade w.e.f. 5.9.70 in the pay scale of Rs 550-30-700 upto 31.12.1971 and in the revised pay-scale of Rs 740-35-880 w.e.f. 1.1.1975 onwards, whereby releasing the whole of arrears with interest @ 24 per cent per annum from the date due upto-date."

Registry has objected to entertain this application.

MA for condonation of delay has been filed.

2. On notice respondents have filed reply to the O.A. itself in which respondents have contended that this O.A. is barred by jurisdiction as well as limitation.

3. We have heard the learned counsel for both the parties and perused the records. We find that M.A. has been filed on the objection raised by the Registry. No reasons has been given in the M.A. for condonation of delay except to state that applicant has otherwise a strong case. In fact, it is contended that there is no delay in filing of this O.A. because respondents have been delaying and ignoring to release the benefits in favour of the applicant.

4. We notice that the first order by which the applicant is stated to be aggrieved is the Ann.C.order dated 23.8.1974. We have seen the order. As a matter

of fact, what the applicant desires is that the benefit of this order, which relates to absorption in the Delhi Administration of surplus teachers of different schools should be given to him. That cause of action arose long back and is beyond the jurisdiction of this Tribunal as provided in the Section 21(2) of the Administrative Tribunals Act, 1985. Under this provision, this Tribunal is competent to admit only any matter where the cause of action arose not earlier than 1.11.1982 i.e. not earlier than 3 year from the date on which the Tribunal obtained the jurisdiction to hear such matters which is 1.11.1985.

5. In so far as the second order dated 19.11.1988 is concerned it is barred by limitation and no ground has been furnished why this delay has been condoned.

6. Hence the O.A. is dismissed.

B.S. Hegde
(B.S. Hegde)

Member (J)

N.V.Krishnan
(N.V.Krishnan)

Vice Chairman (A)

sk