

(1)
(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.964/93
MP 1267/93

New Delhi this the 16th day of December, 1993.

Hon'ble Mr J.P. Sharma, Member (J)
Hon'ble Mr.B.K. Singh , Member (A)

Shri Phool Singh Meena,
S/o Shri Sher Singh Meena,
R/o RZ/G-172, Vijay Enclave,
Delhi-45.

...Applicant

(Advocate :Shri A.S. Grewal though not present)

Versus

1. Commissioner of Police Delhi.
Delhi Police Headquarters,
M.S.O. Building,
I.P. Estate, New Delhi.
2. Additional Commissioner of Police (A.P)
Delhi Police Headquarters,
MSO Building, I.P. Estate,
New Delhi.
3. Dy Commissioner of Police,
9th Bn D.A.P Pitampura,
Delhi.Respondents

(Advocate Shri Kamal Choudhry, Proxy Counsel for
Shri Madan Ghera)

ORDER (ORAL)

(BY HON'BLE SHRI J.P. SHARMA, MEMBER(J))

The applicant is a constable in Delhi Police and he has assailed the Order of initiating the Departmental Enquiry dated the 31st July, 1990, ~~the~~ Summary of Allegations dated 27th September, 1990, ~~which~~ was served on the applicant in the departmental enquiry, the Charge dated 7.12.1990 was served by the Order dated 19.07.1991 was awarded by the Deputy Commissioner of Police. He has also assailed the order passed by the Appellate Authority, Additional Commissioner of Police dated 5.12.1991 where the order of removal was modified and the

L

(3)

punishment awarded was reduced to that of forfeiture of 2 years approved service for a period of 2 years entailing reduction in pay from Rs.990/- per month to Rs.950 per month.

2. The applicant has prayed for the quashing of these orders with all consequential benefits. A notice was issued to the respondents and they have filed the reply pressing the grant of the relief on the ground that the application is barred limitation. The application was filed in April, 1993. The matter came before us on 8th December, 1993. When Shri A.S. Grewal, Counsel, appeared for the applicant and prayed for time. The matter was listed today for hearing on application for condonation of delay.

3. The case was taken up in pre-lunch session and was given a pass over. It was again taken up after lunch. None appeared on behalf of the applicant nor there is any request for adjournment. We disposed of the application for condonation of delay on merit. As per aforementioned Order dated 5.12.1991 the application should have been filed by 5th December, 1992 under the Administrative Tribunal Act, 1985. The condonation for delay in the application is that the applicant was out of Delhi on duty. It is further stated that the applicant was very much present in Delhi for he was busy in Republic Day celebrations, which goes to show that he was very much in Delhi in January, 1993. The period beyond January, 1993 is not properly explained. There is no averment regarding as to why the application has been filed in April, 1993. The applicant has to make out a case that there was no reasonable and probable cause for

(9)
(10)

not approaching in time. In this case, there is no averment, whatsoever, as to how the applicant was prevented from filing this application within limitation.

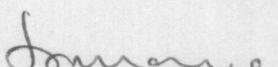
4. The learned counsel for the respondents also opposed the application on merits. But we are disposing the application for condonation of delay. We do not propose to enter into the merits of the case. There is no provision of suo moto condoning the delay, unless the period which stands between the limitation and filing of the application is at least explained by averments in petition.

5. Taking all these facts into account, M.P.1267/93 for condonation of delay, does not make out sufficient cause and is, therefore, dismissed.

6. Since the M.P. for condonation of delay is disposed of, O.A. is dismissed as barred by time. Cost on parties.


(B.K. Singh)

Member (A)


(J.P. Sharma)

Member (J)

sss