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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. No. 1034/93

New Delhi the 5th Day of January, 1994

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

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

Shri William M. Toppe

A-45-B, DDA Flats,  
Munirka, New Delhi-110067

... Applicant.

(By Advocate Sh. J.P. Verghese )

Versus

1. Union of India through  
Ministry of Finance, New Delhi.
2. Chief Commissioner of Income Tax,  
N.W. Region, Patiala.
3. Commissioner of Income Tax  
Rohtak, Haryana.

... Respondents

(By Advocate Sh. V.P. Uppal )

ORDER(ORAL)

The applicant has filed this O.A. against his dismissal by the Competent Authority by his order dated 20.3.89 (Ann.B) issued under Rule 19(i) of the CCS (CCA) Rules, 1965 on the ground that the conduct of the applicant leading <sup>& to</sup> his conviction under Section 5(2) of the Prevention of corruption Act, read with section 161 I.P.C. such as is/to render undesirable his further retention in service. The applicant filed an appeal against this order. The

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Appellate Authority dismissed this appeal by the order dated 9/12-3-90.

2. This O.A. was filed on 3.3.1993, while it should have been filed before 12.3.1991. Thus there is a delay of about 2 years. The applicant has, therefore, filed MP 1399/93 seeking condonation of delay. The respondents have a filed reply to the MP opposing the prayer.

3. The M.P. is taken up for final disposal today.

4. The grounds given in the MP for condonation are as follows:-

- (i) The applicant has filed an appeal against his conviction, which is still pending in the High Court of Punjab and Haryana.
- (ii) He was out of employment.
- (iii) He has been pursuing the criminal appeal and, therefore, he could not pay attention to filing this O.A.
- (iv) He is a Sch. Tribe
- (v) He is poor and was suffering from depression.

5. We have heard the learned counsel for the parties in this regard.

6. We notice that before his dismissal, the applicant was an Inspector in the Income Tax Department. That being the case, we are of the view that he should have been sufficiently aware of his rights in regard to filing this application before us in time. None of the grounds given by him justifies the delay in filing



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this OA, particularly because of the fact that filing  
an OA in this Tribunal is perhaps, the cheapest  
judicially<sup>ly</sup> remedy of any class, available to any  
citizen. Therefore, we are also not impressed by the  
arguments that he belongs to a scheduled tribe and that  
he is poor.

7. In the circumstances, the MA is dismissed.  
*it dismissed*  
Consequently, the OA is automatically/as being barred by  
limitation.

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

Member (J)

*N.V. Krishnan*  
5.1.94  
(N.V. Krishnan)

Vice Chairman (A)

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