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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA No.1093/93 &  
MP No.1464/93

Date of decision: 18.8.93

Sh.S.V.Singh

....

Applicant

versus

Union of India  
through Secretary,  
Ministry of Defence(Finance)  
New Delhi & anr. .... Respondents

CORAM:THE HON'BLE SH.J.P.SHARMA, MEMBER(J)  
THE HON'BLE SH.S.R.ADIGE, MEMBER(A)

For the Applicant ... Sh.J.P.Verghese, Counsel

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

Heard the learned counsel for the applicant. The applicant was dismissed from service by the order dated 13.2.90 in a departmental proceeding. The appeal against this order was dismissed by the Appellate Authority by the order dated 31.10.91.

2. In this OA, the applicant has prayed for quashing of the order of dismissal of the applicant from service dated 13.2.90 and the order of the Appellate Authority dated 31.10.90. The charge against the applicant was that while posted as Accounts Officer in the Office of the CDA, Western Command, Chandigarh and serving as DPDO Jhajjar during the period from 1.6.84 to 18.3.86, he fraudulently prepared a spurious pension payment schedule on 8.6.84 for Rs.40,178.50 by unauthorisedly using P.P.O. of Shri Sher Singh, a pensioner who was not on the payment strength of DPDO Jhajjar; fraudulently authorised payment of the said amount of Rs.40,178.50 at DPDO Jhajjar through the said spurious Pension Payment Schedule; and forged the signature of the said pensioner on the said Pension Payment Schedule as

acquittance in token of having received the said amount and embezzled Government money. Besides this, there were two other articles of charge against the applicant. The present application has been filed on 18.5.93. The applicant has also moved Misc.Petition No.1464/93 for condonation of delay. The present OA should have been filed within one year i.e. by 24.11.91. The applicant earlier filed OA No.3323/92 before the Principal Bench but in that OA he did not file any application of condonation of delay. That OA was dismissed as withdrawn pursuant to the request made by the applicant's counsel on 23.12.92. There is no explanation as to why the earlier application was withdrawn and the applicant did not reserve any right to file subsequent applicatioin. The order of dismissal of the earlier OA bars the filing of the present OA on the same cause of action. In the Misc.Petition no specific reason has been detailed for condonation of delay also. In fact, there is no specific or reasonable cause even stated in the MP for condonation of delay.

3. The present OA, therefore, is not maintainable in view of the fact that the earlier OA on the same cause of action was dismissed as withdrawn on 23.12.92. Further, in the Misc. Petition no specific or reasonable cause has been shown for the delay caused in the filing of the present OA in May, 1993.

4. OA is dismissed as not maintainable and barred by limitation. Misc.Petition is also rejected.

*K. J. Adige*  
(S.R. ADIGE)  
MEMBER(A)

*J. P. Sharma*  
(J.P. SHARMA)  
MEMBER(J)

SNS