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OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ORIGINAL APPLICATION NUMBER 1440 OF 2005

ALLAHABAD THIS THE 7th DAY OF DECEMBER, 2005

HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)
HON'BLE MR. S.C. CHAUBE, MEMBER (A)

Lal Bahadur Sinha, S/o Late Lakshmi Prasad Singh,
R/o House of Sri Devesh Chandra Tiwari,
Near Ishwar Saran Inter College, Salori, Allahabad.

.....Applicant

(By Advocate: Sri S.K. Bahadur)

1. Union of India through General Manager,
Eastern Railway, Kolkata.
2. The Senior Personnel Officer (Mechanical
&Electrical), Eastern Railway, Kolkata.
3. The Chief Works Manager, Eastern Railway,
Jamalpur, Distt. Monghyer, Bihar..

..... Respondents

(By Advocate :Shri _____)

O R D E R

By Hon'ble Mr. S.C. Chaube, A.M,

This O.A has been filed alongwith Misc. Application No. 4745/05 for condoning the delay to seek quashing of the impugned order 12.07.1999 passed by the respondent No.2 i.e. Senior Personal Officer (Mechanical and Electrical), Eastern Railway, Kolkata, (Annexure- 6 to the O.A).

2. Before passing the impugned order dated 12.07.1999 it appears that a show cause notice dated 18.05.1999 was issued to the applicant, who filed reply dated 25.05.1999. It has been stated in the impugned order that on careful consideration of the reply of the applicant and the

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circumstantial evidence, his apprenticeship has been terminated.

3. In Misc. Application for condonation of delay it has been stated by the applicant that on account of serious illness of his wife and her prolonged treatment besides paucity of fund, he could not approach the Tribunal within prescribed period of limitation. Further, according to the applicant, he has not committed deliberate or bonafide mistake in filing the present Original Application with delay. In support of his contention the applicant has cited the case of Raghubar Dayal Vs. 7th ADJ, Meerut reported in JCLR 1999 Allahabad Page 712 wherein it was held that technical objections or pleas will not be given undue weight.

4. We have carefully considered the contentions of the applicant and the reasons put forward by him for delay in filing the present Original Application challenging order dated 12.07.1999. According to section 21 of the Administrative Tribunals Act, 1985, the maximum period of limitation ~~to~~[✓] allowed to the applicant for filing the application is one year from the date on which such final order has been passed. Besides, the applicant in the present case has not been able to satisfy the Tribunal that he has sufficient cause for not making the application within the prescribed period of limitation. On the other hand, we find gross negligence imputable to the applicant seeking condonation of delay. As already held by the Apex Court in P.K. Ramchandran Vs. State of Kerla and Anr. JT 1998 (7) SC 21, law of limitation may harshly effect a particular party but it has to be applied with all its

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rigor when the statute so prescribes. The courts have no power to extend the period of limitation on equitable grounds. The present Original Application is hopelessly barred by limitation since it has been filed after six years of the termination of apprenticeship of the applicant.

5. For reasons and the case law cited above, the case is dismissed in limine as barred by period of limitation.


MEMBER- A.


MEMBER- J.

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