

Item No. 17



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**MA No. 1026/2021
OA No. 848/2021**

This the 07th Day of July, 2021

Through Video Conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Abha Sethi,
D/o Shri Shyam Sunder
Aged about 59 years
Senior Translation Officer,
Indian Air Force,
HQ Western Air Command,
Command Education Section,
Subroto Park,
Delhi Cantonment
Delhi-110010
Group 'B'

Resident of:
117 SFS, Punjabi Bagh Apartments,
Rohtak Road, New Delhi-110063.

...Applicant

(By Advocate : Shri Tushar Ranjan Mohanty)

Versus

1. Union Public Service Commission
Through the Secretary,
Ministry of Defence,

Item No. 17



South Block, Rajpath, E Block,
Central Secretariat
New Delhi-110011.

2. Chief of Air Staff,
Indian Air Force,
Western Air Command,
Vayu Bhavan, Rafi Marg,
Delhi-110106

...
Respondents

(By Advocate : Shri R.K Jain)

Item No. 17

**O R D E R (ORAL)****Justice L. Narasimha Reddy, Chairman :****MA No. 1026/2021**

This Application is filed with a prayer to condone the delay of 1358 days in filing the O.A. The applicant intends to claim the relief in the context of grant of benefit of MACP. The respondents are of the view that the upgradation granted to the applicant from time to time would offset the corresponding MACP. The applicant however has a different interpretation of his own.

2. In the application for condonation of delay, the applicant stated that she was not familiar with judgments rendered on the subject and recently, she got examined the legal position and accordingly, decided to pursue the matter. The delay is said to have occurred, this process.

3. The delay involved is nearly four years. Even for the best of reasons, such an enormous delay cannot be condoned. Particularly, in the context of availing the remedies in service MACP is the benefit which is extended periodically. In case the applicant was denied the benefit when it became due, she was

Item No. 17



expected to pursue the remedy. Added to that, the entire issue was resolved finally through the judgment in Union of India & Ors. vs. M.V. Mohanan Nair (Civil Appeal No. 2016/2020)

4. We do not find any basis to condone such an enormous delay. The MA is accordingly dismissed. As a result, the OA also stands dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/jyoti/rk/akshaya/sd