

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

CIVIL MISC. APPLICATION NO. Nil of 1986

arising out of

Original Application no. 567 Of 1986

Union of India & another Appellants

Versus

Ram Baran Tripathi Respondents

Hon'ble S.Zaheer Hasan - V.C.
Hon'ble Ajay Johri (Member A)

(Delivered by Hon.S.Zaheer Hasan -V.C.)

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This is an application for condoning the delay in filing the appeal against the order of learned Munsif.

2- The plaintiff's suit challenging the termination of his services on account of unauthorised absence was decreed on 10th August, 1984. An appeal against this order in form of application under section-19 of Administrative Tribunal Act, 1985 was filed here on 8-10-1986. No application for condoning the delay was moved at that time. Such application was moved on 17th November, 1986 alongwith an affidavit dated 14-11-86. Section-29-A of the Administrative Tribunal Act, 1985 lays down that "Where any decree or order has been made or passed by any court (other than a High Court) in any suit or proceeding before the establishment of a Tribunal, being a suit or proceeding the cause of action whereon it is based is

such that it would have been, if it had arisen after such establishment, within the jurisdiction of such Tribunal, and no appeal has been preferred against such decree or order before such establishment and the time for preferring such appeal under any law for the time being in force had not expired before such establishment, such appeal shall lie:-

- (a): to the Central Administrative Tribunal, within ninety days from the date on which the Administrative Tribunals (Amendment) Bill, 1986 receives the assent of the President, or within ninety days from the date of receipt of the copy of such decree or order, whichever is later."

3- In this case, the judgment was delivered on 10-8-84 and application for copy was moved on 17-8-84. It was ready on 29-8-84. The appeal was filed before this Tribunal on 8-10-1986 and the application for condoning the delay was moved on 14-11-86. According to the affidavit, Railway Advocate directed the department to file an appeal before this Tribunal alongwith application for condoning the delay. The file and opinion of the counsel was put for approval and this time the file was misplaced in the office. However, in the month of June, 1984, it was searched out in the office of Divisional Railway Manager, Northern Railway, Allahabad and the same was given to Railway Advocate for drafting. No date has been given in this connection.

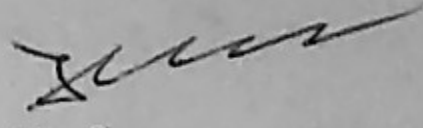
4- It is further alleged that draft was prepared by the Railway Advocate and was sent for signature to the competent authority. Here again no date was given. It is further alleged that signing was done in the office on 6-10-86 and thereafter, this

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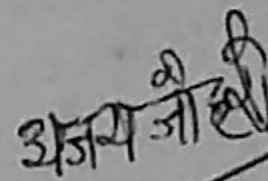
(4)
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appeal was filed on 8-10-86. It is not explained why the application for condoning the delay was not moved at the time of filing of appeal. The allegations regarding the delay in filing the appeal are vague and necessary details have not been given in the same.

5- We do not find any sufficient ground to condone the delay. The application for condoning the delay is rejected.


V.C.

23-2-1987/
Shahid.


A.M.