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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Delay Condonation Application No. 115 of 1987

IN

Registration No. 769 of 1986

Mohd. Ahsanul Haq

..... applicant.

Versus

Union of India and others

..... Respondents.

Hon'ble D.S.Misra, A.M.

Hon'ble G.S.Sharma, J.M.

( Delivered by Hon'ble DSMisra )

In this application under Section 19 of the A.T.Act XIII of 1985, the applicant has sought several reliefs including the quashing of the order dated 23.8.83 by which the applicant was retired from service. The applicant has also filed an application for condonation of delay. The ground for condonation of delay is that the applicant had made a representation dated 24.12.1985 (copy annexure 8) to which he had not received any reply.

2. We have considered the application for condonation of delay and we find that the applicant was deemed to have been placed under suspension w.e.f. 25.5.1973, i.e, the date of being taken into police custody in respect of investigation into a criminal offence under Sections 409/420 IPC vide Office Memo dated 28.5.1973 and he continued to remain under suspension on account of pendency of the criminal case and he was retired from service on attaining the age of superannuation w.e.f.31.8.1983. The applicant was acquitted in the criminal case by an order dated 12.1.1983. On 28.2.1985, the applicant made a representation to the Post Master General, U.P. Circle, Lucknow praying for release of his full pension, salary during the period of suspension and other dues such as House Rent etc. A reply was sent to him by the office of the Post Master Moradabad on 16.3.1985 (copy annexure 10) in which the applicant was informed that the allegations

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made by him regarding the with-holding of pension etc, was incorrect. It is also stated in this letter that the applicant had received his pension for the month of February, and that he had not reported for receipt of pension admissible to him for the month of March, 1984 on-wards. The present application was filed on 17.12.1986. In our opinion the cause of action arose on 23.8.1983 when the order of retirement of the applicant was passed. The subsequent representations of the applicant ~~do not~~ <sup>as per</sup> have the effect of extending the period of limitation prescribed under Section 21 of the A.T.Act, 1985.

For the reasons mentioned above, we are of the opinion that there is no justification for granting condonation of delay in admitting the claim petition. The application for condonation of delay is rejected and the claim petition is dismissed at the admission stage.

*J. M.*  
J.M.

*A. M.*  
A.M. 30.8.88

JS/ 30.8.88