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Central Administrative Tribunal, Allahabad.

Registration O.A.No.55 of 1987

Mahendra Pal Singh Applicant
Vs.

Union of India and
2 others Respondents.

Hon. D.S.Misra, AM
Hon. G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

This petition under Section 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act) has been filed by the applicant for setting aside the order dated 23.1.82 of his removal from service on his conviction in a criminal case. It is alleged that he had preferred a departmental appeal on 12.2.1983 but when it was not disposed of by the competent authority, he filed Civil Misc. Writ Petition No.11066 of 1984 in the Allahabad High Court which was summarily disposed of with the observation that the respondent no.2 should decide the appeal within a period of 3 months, if not already decided. The applicant alleges that despite this direction of the Allahabad High Court, his appeal has not been decided so far. Instead of approaching the High Court of Judicature at Allahabad for taking action against the authority committing its contempt, the present petition has been filed by the applicant for setting aside his order of removal and reinstatement with all consequential benefits. He has also filed an affidavit stating the aforesaid facts

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to condone the delay with the allegation that he is a poor person and in the criminal case, he has been allowed the benefit of the First Offenders' Act and the offence committed by him does not relate to moral turpitude.

2. We have carefully considered the contentions raised on behalf of the applicant and despite our ~~own~~ sympathies with him, we are unable to condone the delay and entertain his petition because it is not within the competence of this Tribunal to condone the delay in a case when the cause of action had arisen more than 3 years ago before the establishment of the Central Administrative Tribunal. As the applicant was removed from service on 23.1.1982, his petition was already time barred on 1.11.1985 when the Act came into force and as such, the delay in filing this petition cannot be condoned under Section 21(3) of the Act.

3. The petition is accordingly dismissed summarily at the admission stage.

B. M. A.
4/5/87
Member (A)

J. L. J.
4/5/87
Member (J)

Dated 1.5.1987
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