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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration(OA) No. 23 of 1988

Kishan Lal ... Petitioner.

Versus

Commander Works Engineer .. Respondent.  
MES, Jhansi

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

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

( Delivered by Hon'ble D.S.Misra)

In this application under Section 19 of the A.T.Act XIII of 1985, the applicant has prayed for the quashing of the order dated 8.8.83 terminating the services of the applicant. This application was filed on 4.1.1988 and prima facie appears to be time barred under Section 21 of the A.T.Act 1985.

2. We have heard learned counsel for the applicant, who has urged that a copy of the impugned order was never served on the applicant and the ~~be~~ knowledge of the impugned order dated 8.8.1983 was gathered only on 1.1.1988. On going through the documents filed by the applicant, it is noticed that the applicant remained absent from duty w.e. from 5th April, 1982 due to his <sup>alleged</sup> illness and he received treatment from some private practitioner at Gwalior. He reported for duty on 27.7.1984 along with a fitness certificate from the Doctor from whom he was receiving treatment, but his request was turned down. In the meantime on receipt of an application dated 12th May, 1982 of

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the applicant, he was informed to report to O/C Military Hospital Jhansi, for medical check up and medical examination report, but he failed to comply and after holding a disciplinary inquiry, the impugned order of termination of his services was passed on 8.8.1983. It is most likely that when the applicant reported for duty on 27.7.1984, he was not taken on duty and informed that his services have been terminated. From the above, it can be inferred that the applicant's contention that he came to know about the impugned order of termination of his services only on 1.1.1988 is not correct. On 3.9.1986 the applicant had sent a notice under Section 80 CPC and the same was replied by the Commander Works Engineer vide his letter dated 12.11.1986 in which he was informed of the action taken against him for his unauthorised absence from the duty and the decision rejecting his application for reinstatement in service. The applicant then filed a civil suit no. 203 of 1986 in the court of Munsif, Jhansi which was withdrawn by him on 1.1.1988. We are of the opinion that the sending of a notice under Section 80 CPC on 3.9.86 or the filing of the suit in a civil court, which had no jurisdiction, does not extend the period of limitation prescribed under Section 21 of the A.T. Act, 1985.

We have considered the matter and we are of the opinion that this is a highly belated application and the same is rejected at the admission stage.

*A.M.*  
25/4/88  
A.M.

*J.M.*  
J.M.

JS. 25.4.1988