

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Original Application No. 1577 of 1993

Amrit Lal Bharatiya ..... Petitioner  
Versus  
Union of India and Ors ..... Respondents

HON. MR. JUSTICE R.K. VARMA, V.C.  
HON. Miss. USHA SEN, MEMBER (A)

( By Hon. Mr. Justice R.K. Varma, )V.C. )

Alongwith the original application the petitioner has filed an application for condoning delay for filing this O.A. No. 1577/93.

2. As stated in the petition, the petitioner was appointed as Store Keeper Cum Clerk, Homeopathic C.G.H.S, Allahabad on 12.2.76. Initially the appointment was on ad hoc basis for a period of six months but after expiry of six months he was allowed to continue and he continued to function as Store Keeper Cum Clerk even after six months. He went on medical leave in the year 1979 and had made application for grant of leave on 3.9.79 and 12.5.80.

3. The respondents proposed to take disciplinary proceedings on the ground that the petitioner was not found ill as per report of the Enquiry officer and had exempted from duty without prior permission of the higher authority. But it appears that later the enquiry was not conducted and instead the petitioner's services were terminated by an order of termination simpliciter dated

16.8.80 under Rule 5 of the Central Civil Services (Temporary Service Rules, 1965.

4. It has been stated in the petition that the petitioner filed an appeal against the order of termination and not getting any reply, he filed a writ petition No. 5622/81 in the High court of Allahabad which was rejected <sup>and summarily</sup> by the High Court by order dated 5.11.81.

5. The petitioner has filed the present petition ignoring the order of rejection of the High Court on the ground that it is not a speaking order and has filed an application for condoning delay of more than 12 years which has elapsed since the passing of the order of rejection.. by the High court on the ground that he was not informed of the order of rejection passed by the High Court in writ petition by his counsel.

6. In the circumstances of this case we are of the opinion that the petitioner cannot be allowed to reagitate the question of his termination both in view of the summary order of rejection of the writ petition as well as on account of inordinate <sup>by</sup> delay of more than 12 years in filing this petition. We are also not convinced that there was sufficient cause for such delay. Accordingly, the application for condoning delay as well as the Original application are hereby dismissed with no order as to costs.

Usha Sen  
Member (A)

R.K. Varna  
V.C.

Dated: 13<sup>th</sup> Dec-93