

2.5.02

Hon. Mr. Justice RRK Trivedi, VC  
 Hon. Maj Gen K.K. Srivastava, AM

We have heard Sri A. Dwivedi, learned counsel for the applicant and Sri S.K. Pandey, brief holder of Sri P. Mathur, learned counsel for the respondents.

2. This OA was filed on 27.10.94 for the relief to restrain the respondents from deducting the penal rent and excess electric charges from the salary of the applicant Sri Ganga Singh. He has also prayed that the respondents be directed to refund the amount already <sup>realised</sup> released. The applicant Sri Ganga Singh died on 4.2.97 leaving behind the present applicants. It appears that in the order dated 8.5.2001 wrong date of death (as 3.4.01) has been mentioned. The substitution application has been filed after about 5 years of death while the limitation provided under rule 18 of CAT (Procedure) Rules 1987 only 90 days. The aforesaid delay has been tried to explain on the ground that the present applicants had no knowledge of the pendency of this OA. It is stated that they could gather knowledge on receiving of the letter of Sri S. Dwivedi, advocate in February 2002. The order initially was passed on 8.5.01. No specific date has been mentioned.

Considering the facts and circumstances and the relief claimed it is difficult to believe that the applicants had no knowledge of this case after the death of Sri Ganga Singh in 1997, as the dispute was in connection with his house and rent. The explanation given for the delay is not convincing. The applicant must have received retiral benefits immediately after the death. The application for substitution as well as setting aside <sup>as time barred</sup> abatement ~~is~~ rejected.

AM

VC