

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1139 of 1994.

Union of India Applicant.

Versus

Pal Singh Respondents.

Hon'ble Mr. S. Das Gupta, Member-A

Hon'ble Mr. T.L. Verma, Member-J

(By Hon'ble Mr. T.L. Verma, J.M.)

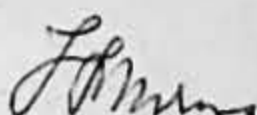
This application has been filed for setting aside the order dated 22.7.1985 passed by Civil Judge, Manpuri decreeing the suit of the respondent and order dated 13.12.1985 whereby Misc. Case No. 119/1985 for setting aside the ex-parte decree passed in suit No. 35/1984 was dismissed in default and order dated 2.12.1992 passed in O.S. No. 165/1988, ^{whereby the suit was} dismissed in default.

2. The facts giving rise to this application shortly stated are that one Pal Singh, ~~was~~ a Railway employee, was dismissed from service by order dated 5.8.1980. He filed suit No. 35/1984 questioning the validity of his termination in the Court of the Civil Judge, Manpuri. The Civil Judge, by ^{ex-parte} order dated 22.7.1985 decreed the suit and held that the respondent had been illegally terminated vide copy of the judgement (Annexure-1). It appears that ^a the petition for setting aside the aforesaid ex-parte decree was filed before the Civil Judge which also was dismissed in default on 13.12.1985.

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Thereafter, OS No. 165/1988 was filed. The above suit also met ^{with} the same fate and was dismissed in default.

3. The cause of action has arisen on 22.7.1987 the date on which, the ex-parte decree was passed against the respondents. The petition filed for setting aside the ex-parte decree was not pursued; as a result, it was also dismissed in default on 13.12.1985. Thereafter, nothing was done till filing of OS No. 165/1988. The Administrative Tribunal has been created on 1.11.1985. The respondents therefore, should have filed an appropriate application in this Tribunal for setting aside the judgement in decree passed by the Civil Court. Instead of doing that, OS No. 165/1988 was filed in the Court of Civil Judge, Manpuri. This too remained unattended and was finally dismissed in default on 2.12.1992. To crown all that, this O.A. has also been filed on 25.7.1994 approximately 3½ years after the OS No. 165/1988 was dismissed in default. The sequence of events as stated above clearly indicate that the respondents have been grossly negligent in pursuing the case. In that view of the matter, the explanation as given in the application for delay in filing this O.A. does not appear to be satisfactory. We, accordingly find this application not maintainable as being barred by limitation and is dismissed in limine.


Member-J


Member-A

Allahabad Dated: August 4, 1994

/jw/