

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Misc. Application No.3391 of 2002

In

Diary No. 3442 of 2002

Original Application No.1601 of 2002.

Allahabad this the 27th day of February, 2003

Hon'ble Maj Gen K K Srivastava, Member (A)

Hon'ble Mr. A. K. Bhatnagar, Member (J)

Hari Ram Gupta,
s/o Kushal, Ex.Lab (U.S.)
T.No.608/107/MML
PGK, R/o Village Sajnakhore, P.S.
Bankati Bazar,
District- Basti. (U.P.)

.....Applicant

(By Advocate : Shri S. N. Mishra)

V E R S U S

1. Union of India,
Ministry of Defence through
Defence Secretary,
New Delhi.

2. The General Manager,
Ordnance Factory,
Kalpi Road,
Kanpur.

3. The Director General,
Government of India,
Ministry of Defence,
Ordnance Factory,
10-A Auckland Road,
Kolkata-700 001.

.....Respondents

(By Advocate : Shri N.C. Tripathi)

O R D E R

Hon'ble Maj Gen K K Srivastava, Member (A)

This application has been filed under
Section 19 of the Administrative Tribunals Act,
1985. The applicant has challenged the order
dated 10.07.92 removing the applicant from service
passed by General Manager, Field Gun Factory, Kanpur
and also the appellate order dated 16.07.93 passed

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by Joint Director/Vigilance, Ordnance Factory Board and has prayed that both the above orders be quashed and the applicant be reinstated with backwages.

2. The applicant was appointed as Labour 'B' in 1978. As per the applicant he was on leave during May, 1983 on number of days and thereafter upto 20.08.1983 and he sent application for leave. He was served with charge-sheet dated 14.08.1983 for unauthorised absence from duty without prior sanction of the competent authority. After conclusion of the inquiry, an order of removal was passed on 29.06.84 against which the applicant filed an appeal before the Director General. His appeal was rejected and the applicant approached this Tribunal in July, 1991 by filing O.A.No.816/91. The order dated 29.06.84 ~~removing~~ the applicant from service and also the order dated 06.06.88 rejecting the appeal, were quashed by order of this Tribunal dated 30.09.91. However, liberty was given to the respondents to take action in accordance with law. The applicant was reinstated on 13.04.1992. Another charge-sheet was served upon the applicant and by order dated 10-07-92 the applicant was removed from service. He filed an appeal against the order dated 10.07.92 but, the same was rejected by the order dated 16.07.93.

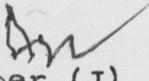
3. Learned counsel for the applicant has filed misc.application no.3391/92 for condonation of delay in filing this application. Learned counsel for the applicant has pleaded that he has filed a representation to the Defence Minister on 23.07.01 and since no decision has been taken

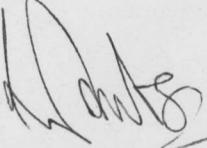
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delay be condoned and direction be issued to Ministry of Defence to decide the representation of the applicant.

4. The legal position is well settled with regard to limitation and filing of the representation on subsequent dates does not extend the period of limitation. The limitation starts operating from 16.07.93 when the applicant's appeal was rejected. ^{This OA has been filed on 27.02.2002 ie after a lapse of more than 9 years} We do not find any convincing ground in the pleadings of the applicant to consider the prayer for condoning the delay. This application is highly time barred and is liable to be rejected.

5. In the facts and circumstances of the case, the application is dismissed as it is highly barred by period of limitation. There shall be no order as to costs.


Member (J)


Member (A)

/M.M./