

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ALLAHABAD this the 29th day of **February**, 2008.

**HON'BLE MR. ASHOK S. KARAMADI, MEMBER- J.
HON'BLE MR. SHAILENDRA PANDEY, MEMBER- A.**

ORIGINAL APPLICATION NO. 761 OF 2007

Varun Kumar, S/o Gurudin, R/o 68,
M.I.G., Burra- 2, Sector- 3, Kanpur Nagar.

.....Applicant.

VER S U S

1. Union of India through M/o External Affairs,
South Block, New Delhi.
2. Staff Selection Commission, Block No. 12,
C.G.O Complex, Lodhi Road, New Delhi.
3. The Regional Director (CR), Staff Selection Commission,
8A-B, Beli Road, Allahabad- 211002..
4. Secretary, M/o Railways, Rail Bhawan,
New Delhi.

.....Respondents

Present for the Applicant:

Sri Siddharth Singh

Present for the Respondents :

Sri Saumitra Singh

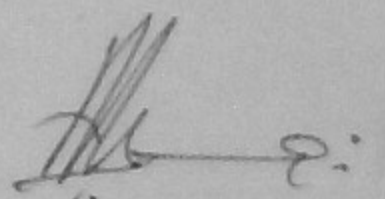
Sri P.N. Rai

ORDER

BY HON'BLE MR. ASHOK S. KARAMADI, J.M.

Heard Sri T.P. Singh, Senior Advocate assisted by Sri Siddharth Singh,
learned counsel for the applicant.

2. Learned counsel for the applicant states that he is making submissions on merits stating that there is no delay on the part of the applicant. Having regard to the fact that this O.A is filed on 27.07.2007 without filing application for condonation of delay, counsel for the applicant has submitted that earlier the




applicant had approached the Hon'ble High Court by filing writ petition No. 33023/07, which was not entertained and dismissed on 24.07.2007 as not maintainable giving liberty to the applicant to approach the Tribunal and, therefore, need not to file delay condonation application. Since the applicant is aggrieved by the selection made by the respondents and the result of the same was notified on 15.01.2005, in which the name of the applicant did not find place, as stated by the applicant in his O.A at para 11. In spite of this, he ^{has} not filed the Delay Condonation Application.

3. We are not satisfied with the submissions made by the counsel as the statute and rules framed in this regard provide that a person, who is approaching the Tribunal well within limitation, need not file application for condonation of delay. But in the case in hand, learned counsel for the applicant himself has submitted that he has not filed delay condonation application whereas, on the other hand making submissions with regard to the selection completed on 15.01.2005. In the absence ^{of} application for condonation of delay, we are not inclined to hear learned counsel for the applicant. On merits, learned counsel for the applicant again has submitted that there is no delay on the part of the applicant in approaching this Tribunal. We are not satisfied with the submissions of learned counsel. In the absence of application for condonation of delay alongwith the O.A., the O.A is not maintainable and as such the O.A is dismissed as not maintainable.

4. There shall be no orders as to costs.


MEMBER- A.


MEMBER- J.

/Anand/