

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH  
~~NEW WXXDXLXXM~~~~QxxNox~~  
~~TAXXNo.~~

199

M.A.No. 151 OF 1991  
in  
O.A.ST.No.91 OF 1991DATE OF DECISION 12.7.1991Mr.Solanki Ganpathbhai,

Petitioner

Mr.P.H.Pathak

Advocate for the Petitioner(s)

Versus

Union of India and Others

Respondent

P.M.Raval,

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. P.H.Trivedi

: Vice Chairman

The Hon'ble Mr. S.Santhana Krishnan

: Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? Y
3. Whether their Lordships wish to see the fair copy of the Judgement? N
4. Whether it needs to be circulated to other Benches of the Tribunal? N

Mr. Solanki Ganpathbhai,  
At Post, Bhuvaladi,  
Ta. Dadkoi,  
Dist. Ahmedabad.

...Applicant.

Versus

1. Union of India,  
Notice to be served through  
General Manager,  
Ahmedabad Telecom District,  
Ahmedabad.
2. Sr. Dist. Officer of Phone,  
R.L.P.-I,  
Ahmedabad Telecom District,  
Ahmedabad.
3. Divisional Engineer Phones,  
Railwaypura,  
Ahmedabad.

...Respondents.

J U D G M E N T

M.A. No. 151 OF 1991

in

O.A. ST. No. 91 OF 1991

Date: 12-07-1991

Per : Hon'ble Mr. S. Santhana Krishnan : Judicial Member

The applicant has come forward with this application to condone the delay in filing the Main Application.

2. The respondents have not chosen to file any reply.

3. The applicant in the application challenges the order of termination dated 1.4.1987. The applicant ought to have filed an application before this Tribunal on or before 1.4.1988. The present application is filed on 21.2.1991. As per Section 21 (3) of the Administrative Tribunals Act, 1985, the applicant will have to establish sufficient cause for not filing the application in time.

*[Signature]*

3. It is claimed in the application that the applicant made a representation. This is dated 1.10.1990. The order of termination is dated 1.4.1987. The representation said to have been given on 1.10.1990, can not be under the relevant service rules. A perusal of Section 20 and 21 of the Administrative Tribunals Act, contemplate filing of applications either within one year from the date of the order or if any representation is made under the relevant service rules to the competent authority then within one year from the date of the final order or if no order is passed after six months of such representation within one year from the date of expiry of the said period of six months.

4. As the representation dated 1.10.1990, admittedly could not have been made under the Service Rules, the applicant will have to explain the long delay in filing this application.

5. In this application the only contention of the applicant is that he made several requests to the authorities personally and through the Union and hence the delay. He further claims that there was a delay of only two years and four months. He has not even stated how he had calculated the same. Actually there is a delay of nearly four years in filing the Main petition. If the applicant has established sufficient cause, then the Tribunal has got powers to condone the delay under Section 21 (3) of the Administrative Tribunals Act, 1985. The applicant miserably failed to establish sufficient cause for the long delay. The decision relied on by the applicant and reported in A.I.R. 1987, S.C. 1353, (Collector, Land Acquisition, Anantnag and another vs. Mst. Katiji and others) is not of any help, as there was a delay of only four days in preferring the appeal and hence it is pointed out that the Court should adopt

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liberal approach. This decision is not of any help to the applicant. As the applicant failed to establish sufficient cause for the long delay, the applicant cannot claim any relief in this application. Accordingly, the application is liable to be dismissed and it is hereby dismissed. No order as to costs.

*Acharya*  
S. Santhana Krishnan )  
Judicial Member

*Prash*  
( P.H.Trivedi )  
Vice Chairman

AIT