

II

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION No. 60 OF 1988.

Date of decision ... March 16, 1988.

Narayan Prasad Das,
son of late Somanath Das,
At- Mangaraj Colony, Meria Bazar,
P.O. Cuttack- 753001, Dist- Cuttack. ... Applicant.

Versus

1. Union of India, represented by the Secretary to the Government of India in the Ministry of Information and Broadcasting, Shastri Bhavan, New Delhi- 110001.
2. The Director General, All India Radio, Akashvani Bhavan, New Delhi- 110001.
3. The Station Director, All India Radio, Cantonment Road, Cuttack- 753001.

... Respondents.

M/s N. Patra, D.N. Mohapatra
and S.P. Sarangi, Advocates ... For Applicant.

Mr. Tahali Dalai, Addl. Standing
Counsel (Central) ... For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN
A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters from local papers have been permitted to see the judgment ? Yes .
2. To be referred to the Reporters or not ? No .
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

JUDGMENT

K.P. ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the punishment imposed by the reviewing authority on the petitioner vide Annexure-3 is under challenge.

2. Shortly stated the case of the petitioner is that he was a driver attached to the All India Radio, Cuttack. An allegation was levelled against the petitioner that he had submitted a false medical bill for reimbursement and took the money. The Inquiring Officer found the petitioner not guilty and accordingly the finding was confirmed by the disciplinary authority. The reviewing authority i.e., the Director General of All India Radio, while reviewing the present case dis-agreed with the views of the disciplinary authority and found the petitioner guilty and imposed a major punishment i.e., reducing the time scale of pay to Rs.131/- for a period of three years. Being aggrieved by this order the petitioner has filed the present application.

3. We did not wait for filing of a counter because the matter could be disposed of on a question of law.

4. We have heard Mr. Patra, learned counsel for the petitioner and Mr. Tahali Dalai, learned Additional Standing Counsel for the Central Government at some length. After perusing the records and after hearing the counsel for both sides, we are convinced that this case is grossly barred by limitation under section 21 of the Administrative

LAW,

Tribunals Act, 1985 because the impugned order has been passed on 30.10.1971 and thereafter representations were made by the petitioner to the competent authorities and finally all the representations were disposed of vide Annexure-5(B) dated 16.7.1981. In such circumstances, section 21 of the Act would create a clear bar in entertaining an application under section 19 of the Administrative Tribunals Act. On this point there are several judgments of the Hon'ble Chairman, Central Administrative Tribunal, which we have respectfully followed in several cases in which this Bench has passed judgments. We find no justifiable reason to make a departure from the view already taken in those judgments. Hence we hold that this case is barred by limitation and this application is not entertainable.

5. Thus, the application is dismissed leaving the parties to bear their own costs.

leg. ass. dr.
.....
16.3.88
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *I agree.*

Mr. Roy
16.3.88
.....
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench.
March 16, 1988/Roy, SPA.