'A'

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A No.228   1990

Purnendu Bikash Parial _____ Applicant (s)

Versus

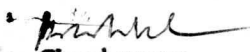Union of India & Ors. _____ _____Respondent (s)

Sr. No.	Date	Order with Signature
1	12.7.90	Heard Mr. A.K.Mohapatra, learned Counsel for the applicant at great length. Mr. Mohapatra has urged for condonation of the delay in presenting this application. Since Mr.Mohapatra has argued at great length,we think advisable to notice most of the contentions that he has raised.Mr.Mohapatra has stated that as the break in service was only 18 days,the applicant had hoped that it would be condoned and have a continuance of the period of service.With that hope also he made representations.Even though the break related to the year 1964 and he made representations, the final turning down of his representation came as late as in January,1983.Mr.Mohapatra has cited the decision of the Hon'ble Supreme Court reported in 1986 (II)A.T.R.204(S.K.Jha-Vs-Union of India).We have perused the judgement, as we find that the question decided by the Hon'ble Supreme Court was really not one relating to limitation but the question was whether the applicant was guilty of laches and the in-action, the Hon'ble Supreme Court took note of the fact of repreated representations made by the applicant in that case and the recommendations of the immediate superiors of the applicant and in that

Serial No. of Order	Date of Order	Order with Signature
Contd.	12.7.90	context opined that the applicant was not vigilant and not negligent. In the instant case there is nothing in the record to show what the applicant did from January, 1989 till the date of representation of this application in late March 1990. So, in our opinion, the reported case can not be pressed in to service by the applicant. In view of the specific provision of Section 21 of the Administrative Tribunal's Act, 1985, the application is barred by limitation. We are not inclined to admit this case. Therefore, it is dismissed.

<div align="right">
Vice-Chairman

Member (Judicial)
</div>