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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.471 of 2016  
Cuttack this the 21<sup>st</sup> day of July, 2016

CORAM  
HON'BLE SHRI R.C.MISRA, MEMBER(A)  
HON'BLE SHRI S.K.PATTNAIK, MEMBER(J)

Surendra Naik, aged about 47 years, S/o. Alekh Naik, At-Deuliapatna, PO-Kaimatura, PS-Jatni, Dist-Khurda

...Applicant

By the Advocate(s)-M/s.R.K.Nayak & A.R.Majhi

-VERSUS-

Union of India represented through:

1. The Director General, Indian Council of Agricultural Research, Krishi Bhawan, New Delhi-110 001
2. Director, Indian Institute of Horticultural Research, Hessaraghatta Lake Post, Bangalore-560 089
3. Principal Scientist & Head, Central Horticultural Experiment Station (IIHR-ICAR), Aiginia, N.H.-5, Bhubaneswar-751 019

...Respondents


By the Advocate(s)-S.B.Jena

**ORDER(Oral)**

**R.C.MISRA, MEMBER(A):**

Heard Mr.R.K.Nayak, learned counsel and Mr.S.B.Jena, learned counsel appearing for ICAR on the question of admission and perused the records.

2. In this Original Application under Section 19 of the A.T.Act, 1985, applicant has prayed for direction to be issued to respondents to reinstate him



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in service against any post of SS Grade-I (Mali/Safaiwala) with effect from 23.07.2002 with back wages.

3. Upon perusal of records, it reveals that applicant had earlier approached this Tribunal in O.A.No.182 of 1997 challenging the order terminating his temporary service as Safaiwala. This Tribunal vide order dated 9.5.2002 allowed the O.A. with a finding that before terminating the service of the applicant the respondents should have followed the principles of natural justice. Accordingly, the Tribunal quashed the order of termination and directed the respondents to reinstate the applicant in service within a specified time frame. While the matter stood thus, vide order dated 6.7.2002, Indian Institute of Horticultural Research, Bangalore(res.no.2) in pursuance of the orders of this Tribunal in O.A.No.182/97 and having regard to Clause No.1 of Memorandum of Appointment vide No.I-4-7/94.Estt. 215 dated 19.5.97, discharged the applicant from service with immediate effect. In the above background, office order dated 23.7.2002 came to be issued by the local authorities at Bhubaneswar relieving the applicant of his duties forthwith. Aggrieved with this, applicant has approached this Tribunal in the year 2016.

4. In the petition for condonation of delay, it has been brought to our notice that applicant had engaged some lawyer after his discharge from service in the year 2002, who did not file O.A. before this Tribunal till 2006.



Therefore, applicant took away the brief and engaged another lawyer. While the matter stood thus, he received a letter No.3416 dated 16.09.2015 from the Registry of the Tribunal and he could come to know that his case had been filed in the year 2015 instead of 2006 and despite of the matter being listed for time to time for removal of defects, due to non-appearance of the applicant's counsel, the matter was dismissed on 27.10.2015 by the Deputy Registrar on the basis of the orders passed by this Tribunal on 16.09.2015.

5. We have considered the submissions made by both the sides. Even if the earlier O.A. filed in the year 2015 was dismissed for default or non-removal of defects, as the case may, applicant could have filed a restoration petition instead of filing a fresh O.A. Be that as it may, we are not convinced <sup>with</sup> in the explanation offered by the applicant in support of condonation of delay.

For the reasons discussed above, the O.A. being grossly barred by limitation, is dismissed at the very threshold. No costs.

*S.K. Pattanaik*  
21/7/16  
**(S.K.PATTNAIK)**  
**MEMBER(J)**

*R.C. Misra*  
**(R.C.MISRA)**  
**MEMBER(A)**

BKS