

Order dated 12<sup>th</sup> March, 2013.

CORAM  
HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)  
HON'BLE MR. R.C. MISRA, MEMBER (ADMN.)

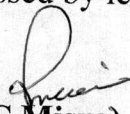
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The Applicant has filed this Original Application challenging the action of the Respondents in not promoting him to Group D cadre although he was qualified in the departmental examination conducted in the year 2006.

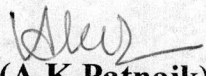
2. As it appears, the applicant has <sup>laid</sup> led his grievance on the basis of the information which he had obtained under RTI Act, 2005 but no explanation has been given for the golden silence maintained by him for all these years starting from 2006. We also find that no representation has been made by the applicant relating to his present grievance prior to approaching this Tribunal in the instant OA. Information obtained under RTI Act, 2005 cannot be a ground to condone the delay in approaching the appropriate court of law. We are guided by the latest judgment of Hon'ble Supreme Court in the case of **D.C. Negi Versus Union of India & Ors.** (SLA 7956/2011) decided on 07.03.2011, which lays the law that under Section 21(1) of the Administrative Tribunals Act, the Tribunal should first consider whether the Original Application is within limitation and an application can alone be admitted only if the same is found to have been made within the prescribed period or sufficient cause is shown

*Walter*

for not doing so within the prescribed period and an order is passed under Section 21(3). In the present case, we find that he has approached this Tribunal after near about six years of the cause of action without any application for condonatin of delay.

3. In view of the above, we feel this OA des<sup>e</sup>rves to be dismissed being barred by time. Accordingly, this OA stands dismissed by leaving the parties to bear their own costs.

  
(R.C.Misra)  
Member (Admn.)

  
(A.K.Patnaik)  
Member (Judl.)