

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

M.A. 211 of 1996 (O.A. 857/96)

Present: Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman.

Hon'ble Dr. B.C. Sarma, Administrative Member.

PARESH CH. KUIRY

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr. P.K. Roy, counsel.

For the respondents: Mr. B. Mukherjee, counsel.

Heard on: 25.9.96.

Ordered on: 25.9.96.

O R D E R

A.K. Chatterjee, V.C.

This M.A. for condonation of delay in filing the O.A. no. 857 of 1996 has been filed, the delay being ~~about~~ more than one year and three months. This delay was sought to be explained on the ground that the petitioner himself was suffering from Hepatitis from 20.3.95 to 10.7.95 and thereafter, his wife became Schizophrenia patient for which he ^{could} ~~did~~ not leave his wife alone and could not come to Calcutta for filing the Original Application.

The last date for filing the O.A. was 4.4.95 and thus, it seems that he, himself, was cured of Hepatitis within about 3 months from the said date. The petitioner has furnished a Medical Certificate from a Doctor - Annexure-A.1 to the M.A. in support of his illness. ^{Subject to acceptance of} ~~According to~~ Doctor's certificate the delay may be condoned upto July, 1995. Subsequent delay is sought to be explained on the ground of the illness of his wife. Unfortunately, there is absolutely nothing in the record to substantiate the statements made in the MA regarding ^{Subsequent} ~~further~~ delay.

The petitioner has filed the O.A. being aggrieved by an order in the DA proceedings which ^{has} ~~is~~ upheld by the Appellate Authority to place the applicant under ~~the~~ "put-off" duty. It is highly improbable that after getting removed from service, the applicant remained silent for such a long time without

taking any action. Since illness of wife is not satisfactorily established , we are not disposed to condone the delay ~~max~~ in filing the M.A. The M.A. is accordingly rejected and the connected O.A.no.857/96 is also rejected ~~on ground~~ ^{of} time-barred.

Both the M.A. and the O.A. are accordingly rejected and dismpsed of. No costs.



(B.C.SARMA)
MEMBER (A)



(A.K.CHATTERJEE)
VICE-CHAIRMAN.