

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

ORIGINAL APPLICATION No. : 171/1995

Date : 1.11.1996

Mahaveer Chand Jain

Applicant.

Versus

Union of India and Others.

Respondents.

Mr. J.K. Kaushik, Counsel for the applicant.

Mr. Ram Narain, Brief holder for

Mr. P.P. Choudhary, Counsel for the respondents.

CORAM :

Hon'ble Mr. S.C. Vaish, Administrative Member.

Hon'ble Mr. A.K. Misra, Judicial Member.

PER HON'BLE MR. S.C. VAISH :

The applicant Mahaveer Chand was last employed on the post of L.D.C. with the respondents in the office of Civil Admn, Air Force, Mount Abu. The case of the applicant is that he has never submitted a resignation and yet the respondents vide their order dated 31.10.1987 (Annexure A/7) notified his resignation. He has now come to the Tribunal in an OA filed on 19.4.1995 seeking the relief that the impugned order accepting his resignation be quashed and he be reinstated with all consequential benefits.

2. Notice was issued to the respondents who have filed a reply to which the applicant has filed a rejoinder.

3. We have heard Shri J.K. Kaushik for the applicant and Shri Ram Narain for the respondents and examined the records. The respondents have taken the preliminary objection on limitation and both the learned counsels were heard at length on the preliminary objection. The impugned order accepting the resignation is dated 27.11.1987. The plea of the applicant that he had never submitted any resignation cannot be accepted as the last paragraph of his letter dated 18.11.1987 to the respondents reads as follows :


"ऐसी परिस्थिति में मेरा स्तिब्ध स्वीकार करावें । मेरे वेतन एवं भत्ते का बकाया राशि निम्न धरे पर भिजवाने का कष्ट करावें ।"


mml
1-11-96

Learned counsel for the applicant urged that he further reminded the respondents on 27.11.1987 (page 44 of the OA). The plea of the learned counsel for the applicant that he has been pursuing his case with the respondents which has kept the limitation alive cannot be accepted. He wrote to the department on 5.2.1995 after a lapse of eight years (Annexure A/17), reminded them on 13.2.1995 (Annexure A/18) and then came to the Tribunal on 19.4.1995.

4. The period of limitation prescribed under clause B of sub clause (1) of Section 21 of the Administrative Tribunals Act, 1985 is one year. In case the representation is filed and no reply is received, the applicant can wait for six months and then move the Tribunal within one year, thereafter. The plea taken by the learned counsel for the applicant that he received acknowledgements from the respondents' department that kept his case alive, cannot be accepted. These are routine acknowledgements and they cannot make a cause of action survive for eight long years.

5. The application is rejected on the preliminary objection of limitation as hopelessly barred by time.


(A.K.MISRA)
MEMBER (J)

 1-11-96
(S.C. VAISH)
MEMBER (A)

Part II and III destroyed
in my presence. 26/2/23
under the supervision of
section officer as per
order dated 19/3/2022

[Signature]
Section officer (Record)

R/C copy
or 5/11/23
[Signature]

R/C copy

Ram Narain
5-11-23
(for P.P. Choudhary)