

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 363/91  
XXXXXX

199

DATE OF DECISION 11-3-1991

V Viswanathan Nair \_\_\_\_\_ Applicant (s)

Mr GP Mohanachandran \_\_\_\_\_ Advocate for the Applicant (s)

Versus

The Sub Divisional Officer, Respondent (s)  
Telecom, Quilon and others.

Mr VV Sidharthan, ACGSC \_\_\_\_\_ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

The Hon'ble Mr. ND Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

Shri SP Mukerji, Vice Chairman

In this application, the applicant has challenged the two impugned orders at Annexure A6 and Annexure A8 dated 26.11.77 and 19.9.80 respectively by which his resignation was first accepted with effect from 30.11.77 and later with effect from 30.6.77. He has also filed a Miscellaneous Petition for condonation of delay.

We have heard the learned counsel for the applicant. From the records it is evident that the representations <sup>which</sup> seem to have been filed by the applicant are at Annexure A5 and Annexure A7. Both of these documents are not dated, but the learned counsel <sup>had</sup> ~~had~~ conceded that they <sup>had</sup> been submitted in 1989 and 1990. There is

nothing on record to show that the applicant had protested against the impugned orders any time between 1980 and 1989. Since the cause of action arose more than three years before the Administrative Tribunal was constituted, this application is thoroughly time barred in accordance with Section 21 of the Administrative Tribunals Act of 1985 and has to be dismissed.

3 Accordingly, the application is dismissed without prejudice to the applicant's representations being disposed of by the respondent at Annexure A5 and Annexure A7 in accordance with law.

4 There will be no order as to costs.

  
(N. Dharmadan) 11.3.91  
Judicial Member

  
(S.P. Mukerji)  
Vice Chairman

11 - 3- 1991