

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

**Original Application No.474/2010
This the 19th November 2010**

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Smt. Kanti Devi aged about 49 years wife of late Ram Kewal resident of Village Khatola Avatar Nagar Colony, Post Office Jaitikhera Jinabganj Chhavani Police Station Banthara Lucknow permanent resident of villate Dalip Ka Purwa, Kotdkeh, Sarainyya Tehsil Sohawal Dist, Faizabad.

...Applicant.

By Advocate: Sri S.K. Maurya.

Versus.

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Commander Works Engineer (AF) Head Quarters, Military Engineer Service, Bamrauli Allahabad-211012.
3. GE (AF) Bakhshi Ka Talab (BKT) Lucknow Office Durg Abhiyanta, Vayu Sena (Air Force) Bakhshi Ka Talab Lucknow.

.... Respondents.

By Advocate: Shri R. Mishra.

ORDER (Dictated in open Court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

M.P.No.1851/2010.

Heard learned counsel for the applicant and the learned counsel for other side and perused the affidavit filed in support of delay condonation application. The applicant is said to have been died on 31.12.2003. The OA is being sought to be filed after a gap of more than six years and this inordinate delay has not been properly explained. It appears from the records that

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initially a representation dated 14.01.2004 (Annexure-3) was given but no receipt has been filed and it has not been indicated as to when it was received.

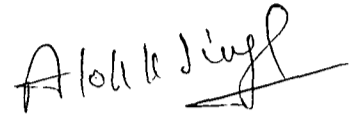
2. The learned counsel for applicant says that in response to the aforesaid representation he received a letter dated 26.09.2006 (Annexure-3/3) from the department. But this submission is against the records because, in the opening line itself reference of letter dated 28.08.2006 is mentioned. From a perusal of reply dated 26.09.2006 it appears that some incomplete documents filed alongwith letter dated 28.08.2006 were returned to the author of letter dated 28.08.2006 for doing the needful. It is not clear as to who had written this letter dated 28.08.2006 and whether, it was a letter by the applicant or from one section to other section of the department itself. Moreover, this letter dated 26.09.2006 is incomplete. It consists only 3 paragraphs and after the concluding paragraph there is also no signature in the end of the letter.

3. Learned counsel for applicant says that after about three years i.e. on 08.09.2009, the applicant gave an application for compassionate appointment addressed to the Commander Works Engineer (AR) of Bamrauli, Allahabad by means of Registered post. The receipt of registered post has also been pasted on the last page of application (Annexure-1).

4. From the above, it appears that the first application is said to have been moved in January, 2004 but there is no proof of its receipt. The last application is said to have been sent after a long gap of five years i.e. in September, 2009. The delay has

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not been properly and sufficiently explained. Therefore, this Tribunal has no option but to reject it. The application for condonation is therefore rejected. Since the application for condonation of delay has been rejected the OA is also dismissed as time barred. No order as to costs.



(Justice Alok Kumar Singh)
Member (J)

Amit/-