

**M.A. No. 2909/2011**

**In**

**O.A. 477/11**

Dated 23.1.13.

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

Hon'ble Sri D. C. Lakha, Member (A)

For applicant Sri N. C. Saxena.

For respondents Sri Rajendra Singh.

**M.P. No. 2909/2011:**

Heard counsel for the parties.

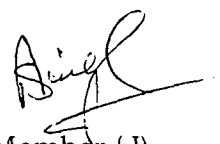
2. The applicant was dismissed from service vide order dated 10-11.10.1990(Annexdure-1) i.e. about more than 22 years before. Though it has not been mentioned in the entire O.A. that when the appeal was filed, but in the synopsis, it is mentioned that on 22.11.90, the appeal was filed. It was decided on 11.4.91 as mentioned in the revisional order dated 18.11.2008 (Annexure- 4). It appears that the date of filing of the appeal and its rejection has been intentionally concealed. It is because, the revision has been filed after a long gap of about 15 years and the date of filing of revision has also not been mentioned intentionally in the O.A. But even after rejection of revision on 18.11.2008, the O.A. was not filed promptly. Instead, it has been filed after a long gap of about more than 4 years. In the affidavit sworn by the applicant himself, the aforesaid inordinate delays have not been explained. The only contention is that the rejection order of the revision dated 18.11.2008 was not in the notice of the applicant and he came to know about it only on 24.1.2011 after making inquiry from the office concerned. There is no explanation regarding inordinate delay of about 15 years and again for four years after the rejection of revision. It is not ascertainable as to why the

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applicant could not enquire from the authorities concerned in respect of the result of his revision earlier.

3. The statutory appeal as well as revision filed by the applicant were highly time barred without any plausible explanation. It appears that the revision has been filed after a long gap of about 15 years, with a view to bring it within the ambit of limitation. But even thereafter, the applicant himself slept over the matter for few years. In para 4 of his affidavit, only a general explanation has been given that due to some unavoidable circumstances, he could not file the present appeal in time. The other reason is also of a general nature that due to mental and financial problem, he could not engage the counsel to move the appeal in time. These explanations are neither satisfactory nor convincing. The process of law is for use it, not for misuse. The applicant has even concealed certain date/ facts with a view to mislead this Tribunal. A person cannot be permitted to invoke the jurisdiction of a Court or Tribunal if he himself has slept over the matter for about more than 15-20 years. Finally, therefore, the application for condonation of delay in filing the O.A. is rejected.

  
Member(A)

  
Member (J)

vidya

on  
copy & order  
dated 23-1-12  
Bhupendra  
28-1-12