

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

ORIGINAL APPLICATION No. 194/1987

Shri Vithal Narayan Jagrap  
AT & POST: VIHITGAON  
Nasik Road  
(Dist. Nasik)  
PIN 422 201.

Applicant

v/s.

The General Manager  
Currency Note Press  
Nasik Road

Coram: Hon'ble Vice-Chairman B C Gadgil  
Hon'ble Member(A) J G Rajadhyaksha

APPEARANCE

Mr. S.G. Borkar  
Advocate  
for the applicant

ORAL JUDGMENT

Dated: 27.4.1987

(PER: B.C. Gadgil, Vice-Chairman)

The applicant, who was an employee in the Currency Note Press, Nasik Road, is raising a dispute about his exact birth date.

2. We have fixed this matter for Admission to-day, We have heard Mr. Borkar, Advocate for the applicant, and in our opinion, the application is liable to be rejected as time barred due to the following reasons:

3. The service record of the applicant shows that the birth date has been entered therein as 29.5.1925. He retired at the age of 60. The applicant contended that the administration had wrongly entered his birth date as mentioned above and that the correct birth date is 15.1.1929. The administration rejected that claim of the applicant. The applicant approached the Assistant Commissioner of Labour (Central) but without any success. He, then, filed a

Regular Civil Suit No. 247/1984 in the Court of Civil Judge, Senior Division, Nasik, claiming that his birth date be fixed as 15.1.1929. The suit was resisted by the administration. It was heard on merit and the Civil Judge has not approved his birth date as 15.1.1929. The said suit was dismissed on 29.6.1985. We have been told by Shri Borkar that an application for certified copy of judgment and decree was made on 10.7.1985 and these copies were ready on 29.10.1985. The applicant has not filed any <sup>Appeal</sup> application in the District Court but has filed this present application on 19.3.1987.

4. It is true that the applicant would have either filed an <sup>Appeal</sup> application in the District Court before 31.10.85 or should have come to this Tribunal within one year from 1.11.1985. However, the applicant filed this application on 19.3.1987. To get over the question of limitation, the applicant has contended that he wanted to file an application before ~~the~~ the Tribunal, but he learnt from the newspaper reports that the working of this Tribunal was stayed by the Supreme Court and that on 10.1.1987 he also learnt that the Supreme Court had vacated the interim stay. Mr. Borkar submits that in view of the above allegations, the delay should be condoned.

5. It is, however, material to note that there was no stay of the working of the Tribunal and consequently the question of vacating it by the Supreme Court had never arisen. The reasons given by the applicant for not filing his application in time are not correct. Secondly the matter is not improved even if the allegation is assumed to be true. After his alleged knowledge on 10.1.1987, he did not act diligently and has not filed this application

even till expiry of two months more. Under these circumstances, we are not inclined to condone the delay in filing this application. The application is, therefore, dismissed being barred by time.

*B C Gadgil*  
( B C Gadgil )  
Vice-Chairman

*J G Rajadhyaksha*  
( J G Rajadhyaksha )  
Member (A)