

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY 400614

G.A. No. 625/87

Shri Ashok Dattatraya Hirve  
Lower Division Clerk  
Loading Section  
Ordnance Factory  
Varangaon  
Dist. Jalgaon

Applicant

V/s.

The General Manager  
Ordnance Factory  
Varangaon  
Dist. Jalgaon

Coram : Hon'ble Member (A) S.P. Mukerji  
Hon'ble Member (J) M.B. Mujumdar

Appearance:

Shri S M Dange  
Advocate  
for the applicant

Shri S R Atre  
(for Shri P M Pradhan)  
Advocate  
for the respondents

TRIBUNAL'S ORDER

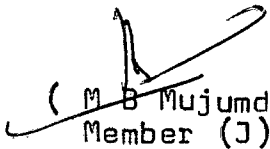
DATED : 5.1.1988

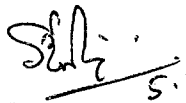
We have heard the arguments of the learned Advocates for both the sides and gone through the documents. In this application the applicant is seeking relief against the order passed by the respondents on 24.9.1980 by which his service as Assistant Stores Clerk was not be considered and the seniority in the grade of LDC is to be reckoned only from the date of his re-designation as LDC for further promotion since the re-designation had been ordered at his own request. His plea is that his service as Assistant Stores Clerk

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from 2.2.1976 to 14.4.1980 should not be ignored for the purpose of seniority in the grade of LDC. According to the learned counsel for the applicant he had been making a number of representations against the impugned order dated 24.9.1980, the last of which was rejected on 4.2.1983. It is admitted that thereafter the applicant did not move any court till he moved the Tribunal by the present application on 25.9.1987. Even if we, for the sake of argument, accept that limitation starts from the date of rejection of his last representation on 4.2.1983, in accordance with section 21 of the Administrative Tribunals Act 1985 the applicant should have moved this application within six months from 1.11.1985 when the Tribunal came into being i.e., on or before 30th April 1986. Instead, the applicant moved this application in September 1987. The Learned Counsel for the applicant has prayed that the delay should be condoned as the applicant is a low paid Government servant and could not move the court or the Tribunal earlier. Having given <sup>our</sup> anxious considerations to the request of the Learned Counsel for the applicant we cannot persuade ourselves to accept the same in view of the inordinate delay of about 1½ years subsequent to the last date of filing such application, which has taken place in the submission of this application. The applicant has not been out of service and has not been in such penurious condition as to warrant such a compassionate consideration as to condone such an inordinate delay. If we condone such delay of about 1½ years, the significance and meaning of having a provision of limitation in filing of applications before us will be lost. This will also create a precedent which may encourage reopening of old and stale cases.

In the circumstances we see no merit in the prayer of the applicant for condonation of delay and reject the application under section 19(3) of the Administrative Tribunals Act 1985, as time barred.

  
( M B Mujumdar )  
Member (J)

  
5.1.88  
( S.P. Mukerji )  
Member (A)