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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY,
CAMP AT NAGPUR.

Original Application No.626/89.

Shri B.P.Srivastava.

... Applicant

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Member(J), Shri A.P.Bhattacharya,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:

Mr.K.S.Dhote, learned
advocate for the applicant.
Mr.Ramesh Darda, learned
counsel for the respondents.

ORAL JUDGMENT:-

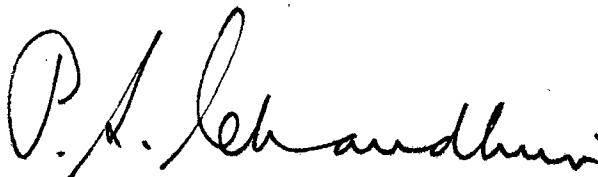
(Per Shri A.P.Bhattacharya, Member(J))

Dated: 15.1.1990

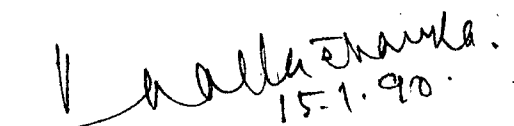
Mr.K.S.Dhote, learned advocate appears for the applicant and moves this application for admission. Mr.Ramesh Darda, learned counsel appears for the respondents and opposes the admission of ^{the} application mainly on the ground of limitation.

2. In this application under section 19 of the Administrative Tribunals Act, 1985 the applicant ^{has} prayed for setting aside the order of removal from service passed by Respondent No.3 on 14.5.1983. By an order passed on 26.11.1982 the applicant was previously removed from service. That order was subsequently withdrawn by the Disciplinary Authority. Pursuant to a charge sheet served on him at a subsequent stage the applicant was again removed from service by an order passed on 14.5.1983. The appeal preferred by the applicant was disposed of by the Appellate Authority by its order dt. 3.2.1984. That order was communicated to him. It is contended by the applicant that knowing it in February, 1989 that the General Manager, Ambazari had not been delegated with the disciplinary power to initiate any

disciplinary proceedings and impose any penalty on him, he filed the instant application before this Tribunal. Considering the circumstances, we are constrained to hold that this application cannot be entertained, as it is hopelessly barred by limitation. It is true that the applicant in the body of the application has tried to explain the reasons for the delay in filing the application. No separate application supported by an affidavit as required by the rules has been filed. The grounds shown in the body of the original application are far from satisfactory. Such being the position we are of the view that the applicant has failed to establish any sufficient reason for condonation of delay. Virtually, the applicant has challenged the order of removal from service passed on 14.5.1983 and also the order passed by his appellate authority on 3.2.1984 in an application filed on 25.9.1989. We hold that as the claim of the applicant is stale and the application itself is hopelessly barred by limitation it is liable to be dismissed. So we dismiss the application summarily.



(P.S. CHAUDHURI)
MEMBER (A)


(A.P. BHATTACHARYA)
MEMBER (J).