

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 133/89

198

TxAx No.

DATE OF DECISION 8.6.1989Shri B.A. Chandankhede

Petitioner

Shri Mohan M. Sudame

Advocate for the Petitioner(s)

Versus

Union of India and others.

Respondents

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.B. Mujumdar, Member (J)

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA. NO. 133/89

Shri B.A.Chandankhede,
UDC in the Works Office,
Ordnance Factory, Ambhazari,
R/o Chuna Bhatti,
Post Vivekanandnagar, Nagpur. ... Applicant

v/s.

1. Union of India through Director
General of Ordnance Factory,
Board, 10, Auckland Road, Calcutta.
2. General Manager, Ordnance Factory,
Ambhazari, Nagpur. ... Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri P.S.Chaudhuri

ORAL JUDGMENT

Dated: 8.6.1989

(PER: M.B.Mujumdar, Member (J)

Heard Mr. Mohan Sudame for the applicant.

2. By order dated 31.5.1985 the penalty of reduction of pay by two stages from Rs.308/- to Rs.296/- per month in the scale of Rs. 260-400 in the grade of LDC, with cumulative effect was awarded to the applicant. The applicant preferred an appeal, but it was rejected on 15.5.1986. On 9.2.1989 the applicant has filed the present application under Section 19 of the Administrative Tribunals Act, 1985 challenging that order.
3. The applicant has also filed an application requesting for condonation of delay in filing the application. That application be numbered as a Misc. Petition. In that application, the applicant has given his illness as the ground for condonation of delay.

4. By an order dated 21.3.1989 we had directed the applicant to clarify the periods during which he was in hospital and on leave of one type or the other. Accordingly, the applicant has today filed a statement showing the periods and dates from June 1985 to February 1989 on which he was on leave. From this statement we find that the applicant was on duty even after the appeal was rejected by the Appellate Authority on 15.5.1986. Hence, we do not accept the say of the applicant that because of his illness he could not file the application in time. He could very well have sent his application by Registered Post to this Tribunal.

5. According to the provisions of Section 21 of the Administrative Tribunal Act, 1985 the applicant should have filed the application within one year from the date of rejection of his appeal. He has not done so. We are also not satisfied with the ground for not filing the application in time. Considering the nature of the charge, we feel that for a long time after the rejection of the appeal the applicant was satisfied with the penalty imposed on him but he has woken up after a long time. We, therefore, reject the application for condonation of delay, i.e. M.P.No. 480/89, and consequently we also summarily reject OA.NO.133/89 as it is barred by limitation.



(P.S. Chaudhuri)
Member (A)

(M.B. Mujumdar)
Member (J)