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

Original Application No.290/89.

Shri Anil Kurtarkar,

... Applicant.

v/s.

Government of Goa & Another.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri G.Sreedharan Nair,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:-

Shri S.M.S.Usgaonkar for the
applicant and Shri H.R.Bharne,
for the respondents.

Oral Judgment:-

¶Per Shri G.Sreedharan Nair, Vice-Chairman Dt. 11.7.1990

Heard Shri S.M.S.Usgaonkar, counsel for the
applicant and Shri H.R.Bharne, counsel for the respondents.

2. The relief claimed in this application is to
quash the order dt. 8.10.1986 under which the services
of the applicant was terminated invoking the power under
Rule 5 of the Central Civil Services (Temporary Service)
Rules, 1965. The application has been filed only on
14.4.1989. A Bench of this Tribunal by the order
dt. 14.4.1989 admitted the application "keeping the
point of limitation open and subject to the orders on
the application for condonation of delay".

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3. It is seen that along with ^{the} Original Application the applicant has filed a petition (M.P. 397/89) for condoning the delay in filing the Original Application. The respondents oppose the condonation prayed for. A reply has also been filed on merits resisting the challenge against the order of termination.

4. Before considering the OA on merits we have to examine the petition seeking condonation of delay in filing the same. On going through the averments in the petition we are not satisfied that the applicant has been able to establish sufficient cause for condoning the delay in filing the application. The only averment in support of the condonation sought for relates to the filing of repeated representations before various authorities against the impugned order of termination. It is settled that the filing of such repeated representations cannot extend the period of limitation prescribed under Section 21 of the Administrative Tribunals Act.

5. As is clear from the averments in the petition the first representation was submitted to the first respondent on 25.6.1987 and it was pursued by a reminder on 30.12.1987. When the said representation did not yield any result the applicant was bound to approach the Tribunal. Instead he chose to approach other authorities viz. The Agriculture Minister, The Chief Minister and the Governor with representations, which be it noted, are not statutorily provided.

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6. In view of the foregoing the petition for condonation of delay in filing the O.A. is dismissed.

7. Since the petition for condoning the delay in filing the O.A. has been dismissed, we dismiss the Original Application as barred by limitation.

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11-7-90

(M.Y.PRIOLKAR)
MEMBER(A)


11-7-1990

(G.SREEDHARAN NAIR)
VICE-CHAIRMAN.