

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 809 of 2005

[Patna, this Tuesday, the 31st Day of January, 2006]

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C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

.....
Lalloo Ram, S/o Late Karu Ram

Vs.

Union of India & Ors.

Counsel for the applicant. :- Shri Rajeev Nayan.

Counsel for the respondents.:- Shri A.A.Khan, SC.

O R D E R [ORAL]

Justice P.K.Sinha, V.C.:- The applicant has come up, having retired on 31.12.1985, to direct the respondents to add to his service, the previous service rendered by him in the State Government from 27.06.1946 to 08.07.1958.

When asked as to how the limitation as envisaged under Section 21 of the Administrative Tribunals Act is saved, the learned counsel for the applicant first submitted that his prayer also was to fix his pension and other retiral benefits calculating the same after addition of the period of his previous service, hence limitation has not run out. When pointed out that enhanced retiral benefits was consequential to the main relief relating to adding of the previous service to the period of his service under respondents, hence the limitation would accrue so far the main relief was concerned and the consequential benefits would follow only if the main relief was allowed,

the learned counsel for the applicant admitted that limitation for the main

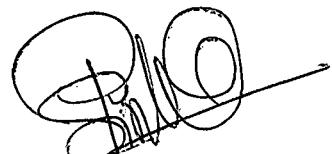


cause of action has expired long ago. When pressed for grounds on which the delay could be considered for condonation, the learned counsel for the applicant admitted that the applicant had no sufficient ground to explain the long delay of at least two decades. However, learned counsel submitted that the applicant was now a quite old person and his case was genuine and he had a good arguable case.

2. On the other hand Shri A.A.Khan, the learned Standing Counsel for the respondents vehemently opposed the admission of the application on the ground that it was not maintainable on account of this application being grossly barred by limitation.

3. However, in view of Section 21 of the Administrative Tribunals Act, condoning such a huge period of delay would amount to admitting an application which under law could not have been admitted. It is only in such cases in which delay is satisfactorily explained that the same can be considered for condonation.

4. I, therefore, find that this application is hopelessly barred by limitation with no ground forthcoming to explain the delay, hence the application itself is not maintainable and is dismissed as such. However, this will not prohibit the respondents to consider the claim of the applicant if they feel inclined to do so.



[P.K.Sinha]/VC

skj.