

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO. 230/2001

Date of Decision: 28.09.2001

Shri Vijay Shankarrao Turekar.

Applicant

Shri V.A. Abhyankar

Advocate for Applicants

Versus

Union of India & 2others

.. Respondents

Shri R.K. Shetty.

Advocate for Respondents

CORAM: HON'BLE SHRI JUSTICE V. RAJAGOPALA REDDY, VICE  
CHAIRMAN (J)  
HON'BLE SMT. SHANTA SHASTRY: ... MEMBER (A)

- (1) To be referred to the Reporter or not? *ND*
- (2) Whether it needs to be circulated to other  
Benches of the Tribunal? *—*
- (3) Library *24* *as*

(V. RAJAGOPALA REDDY)  
VICE CHAIRMAN (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO.230/2001

WEDNESDAY, THE 28TH DAY OF SEPTEMBER, 2001

CORAM: SHRI JUSTICE V. RAJAGOPALA REDDY. VICE CHAIRMAN  
SMT. SHANTA SHASTRY. MEMBER (A)

Shri Vijay Shankarrao Turekar,  
Age 63 years, Occ: Retired  
Residing at Kumar-1,  
Vaibhav Co-Op. Hsg. Society,  
Behind Canara Bank,  
Bibwewadi, Pune-411 037,  
Dist. Pune.

... Applicant

By Advocate Shri V.A. Abhyankar

Versus

1. Union of India  
The Secretary,  
Ministry of Defence,  
South Block, New Delhi,  
New Delhi-110 011.

2. Director General,  
Defence Research & Development  
Organisation, DHQ P.O.,  
New Delhi-110 011.

3. Director,  
Armament Research and  
Development Establishment  
Pashan, Pune-411 021.

.. Respondents

By Advocate Shri R.K. Shetty.

O R D E R (ORAL)

Shri Justice V. Rajagopala Reddy. Vice Chairman (J)

In this application, the grievance of the applicant is that Respondent No.3 by the order dated 10.11.95 intimated that his superannuation age <sup>was</sup> fixed at 58 years and that he was to retire on 30.1.1996. It is not in dispute that the applicant is receiving the

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pension since then. The <sup>✓ submission</sup>~~grievance~~ of the applicant <sup>is</sup> that he was orally asked to continue in the office until further order and by the order dated 29.5.96 he was informed that he was not recommended to continue in service by the Special Assessment Committee. The grievance of the applicant is that he has not received the <sup>earlier</sup>~~said~~ intimation dated 24.1.96 from Respondent No.2. However, he received an intimation dated 29.5.96 from Respondent No.3 asking him to appear before Assessment Board on 25.10.96.

2. The above facts indicate that the cause of action in this case arises on 29.5.96 and 1.11.96. It is stated that he made a representation on 21.5.97 which was turned down by the respondents on 18.9.97. Thereafter, it is stated that he approached the National Commission for Scheduled Castes/Scheduled Tribes, but he has not <sup>obtained</sup>~~got any~~ redress from them. There upon, he filed this OA.

3. The applicant filed a MP to condone the delay stating that due to an accident occurred on 07th July, 1998 and in which his son suffered head injury and had to undergo emergency operation, he could not file the OA within the limitation period.

4. The respondents oppose the OA both on limitation as well as on merits.

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5. Having heard the learned counsel for the applicant and respondents, we are of the view that the OA is hit by Section 21 of the Administrative Tribunals Act, 1985. We find that the impugned order was passed as early as in 1995 intimating him of the age of superannuation at 58 years and he <sup>was</sup> retired on 30.1.1996. He made representation after one year i.e. on 25.1.97 which has also been rejected on 18.9.97. Even thereafter the applicant had not filed the OA within limitation. It is seen that the accident <sup>was</sup> said to have been occurred on 07th July, 1998 and by the said date itself <sup>OA</sup> is barred by limitation. Hence, the difficulties suffered by the applicant due to accident is not a valid ground in not filing the OA in time. The MP is, therefore, dismissed. Consequently, the OA also stands dismissed. No costs.

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(SMT. SHANTA SHASTRY)  
MEMBER (A)

*V. Rajagopala Reddy*

(V. RAJAGOPALA REDDY)  
VICE CHAIRMAN (J)

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