

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 91/90

~~TXA XXX NoX~~

198

DATE OF DECISION 4 Oct. 1990

Shri Anant Damodar Kamtekar PetitionerShri L.N.Nerlekar Advocate for the Petitioner(s)

Versus

Collector of Central Excise, Respondent
Churchgate, Bombay.Shri P.M.Pradhan Advocate for the Respondent(s)

CORAM

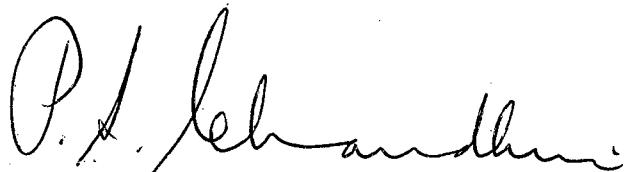
The Hon'ble Mr. P.S. Chaudhuri, Member (A)

The Hon'ble Mr. D.K. Agrawal, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Yes

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(P.S. Chaudhuri)
Member (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

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Original Application No.91/90

Shri Anant Damodar Kamtekar ... Applicant

vs.

Collector of Central Excise,
Churchgate, Bombay. ... Respondent.

CORAM : Hon'ble Member (A), Shri P.S.Chaudhuri
Hon'ble Member (J), Shri D.K.Agrawal

Appearances:

Shri L.N.Nerlekar, Advocate,
for the applicant and Shri
P.M.Pradhan, Advocate, for
the respondent.

ORAL JUDGEMENT

Dated : 4 Oct. 1990

[Per. Shri P.S.Chaudhuri, Member (A)]

This application under Section 19 of the Administrative Tribunals Act, 1985 (for short, the Act.) was filed on 14.2.1990. The applicant is an Inspector in the Central Excise Department and by this application he is challenging the order dated 12.10.1987 rejecting his claim for confirmation with effect from 1.8.1974.

2. The applicant has also filed Miscellaneous Petition No.122/90 seeking condonation of delay. It is the applicant's case that he submitted an appeal dated 15.2.1988 against the impugned order dated 12.10.1987 but he has not received any reply to this appeal.

3. After hearing Shri L.N.Nerlekar, learned Advocate, for the applicant and Shri P.M.Pradhan, learned Advocate, for the respondent we are satisfied that this application is hopelessly barred by limitation and that there is no



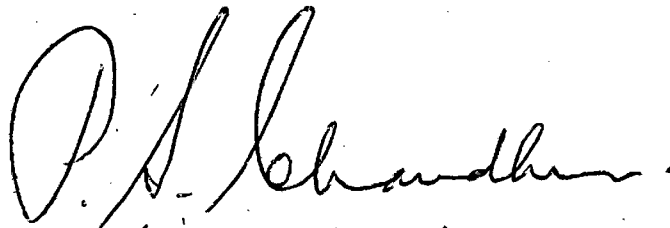
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case for condonation of delay.

4. Section 21 of the Act stipulates that the Tribunal shall not admit an application unless the application is made within one year from the date of the final impugned order. It also stipulates that in case where an appeal has been made and a period of six months had expired thereafter without any final order, the application is required to be made within one year from the date of expiry of the six months. In this case the impugned order was passed on 12.10.1987 and an appeal against it was made on 15.2.1988. Therefore any application made on or after 15.8.1989 is barred by limitation. No explanation has been put forward to justify the delay between 15.8.1989 and 14.2.1990 when the application was eventually filed.

5. In the circumstances the application is summarily rejected under Section 19(3) of the Act. There will be no order as to costs.


4.8.90.
(D.K. Agrawal)
Member (J)


(P.S. Chaudhuri)
Member (A)