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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
CAMP : NAGPUR

OA.NO. 290/90

Shri G.H.Gharpinde

... Applicant

vs.

Asstt. Supdt. of Post Offices

TSO Sub Division No.1,

Nagpur City, Nagpur and another. .. Respondents

CORAM: Hon'ble Vice Chairman Shri G.Sreedharan Nair
Hon'ble Member (A) Shri I.K.Rasgotra

Appearance

Mr.J.L.Bhoot

Advocate

for the Applicant

ORAL JUDGEMENT

Dated: 6.8.1990

(PER: G.Sreedharan Nair, Vice Chairman)

Heard counsel of the applicant.

2. The relief that is claimed in this application is to quash the order of disciplinary authority dated 25.5.1988 and the appellate authority dated 20.12.1988 pursuant to the disciplinary proceedings initiated against the applicant under Rule 16 of the CCS(CCA) Rules, 1965. The present application is filed only on 30.3.1990, evidently beyond one year from the date of order of appellate authority. It is seen from that order that even the appeal was not preferred in time but after 140 days of the order of disciplinary authority. However, the appellate authority took a lenient view while deciding the appeal and even modified the penalty by withholding the increment for only six months instead of 30 months ordered by the disciplinary authority.

3. Counsel of the applicant submitted that the applicant intends to file a petition seeking condonation of delay in filing the application. No permission is required for filing

such a petition. In fact, in paragraph 5 of the application the applicant has alleged that after the order of ^{the} appellate authority the applicant preferred second appeal on 23.1.1989 and on 6.2.1989 before two different authorities, and that a representation was also submitted on 2.4.1989. Evidently, these averments have been made to impress upon the Tribunal that there is no bar of limitation and that the application is within the prescribed period. The second appeals stated to have been filed by the applicant are not ~~statutory~~ ^{provided}; nor is the representation said to have been submitted by him. Hence, the submission of these appeals and representation cannot extend ^{the} period of limitation for filing the original application.

4. We would also like to point out that when this matter was taken up for hearing on last occasion on 22.6.1990 counsel of the applicant requested for a short adjournment to file an application for condonation of delay when he was directed to do so before the next circuit sitting. Till date no such petition has been filed and we do not think that this matter should be ~~directed~~ ^{protracted} further so as to ^{enable} the applicant to file a petition for condonation of delay especially in view of the averments in para 5 of the application wherein the applicant ^{attempted} has ~~admitted~~ to establish that though there is delay in filing the application it ~~is~~ happened on account of the circumstances mentioned therein.

5. We hold that the application is barred by limitation and ~~and~~ accordingly it is rejected.

I.K. Rasgotra
(I.K. RASGOTRA) 6/8/90
MEMBER (A)

G. Sreedharan Nair
(G. SREEDHARAN NAIR)
6-8-1990
VICE CHAIRMAN