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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
(CAMP: NAGPUR)

Original Application No: 507/92

Transfar Application No:

DATE OF DECISION: 13.12.1994

Y.V. Mahulkar

Petitioner

Mr. D B Walthare

Advocate for the Petitioners

Versus

U.O.I. & Ors.

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, V.C.

The Hon'ble Shri M.Y. Priolkar, Member (A)

1. To be referred to the Reporter or not ? *NO*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *NO*


V.C.

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A. NO. 507/92

Y.V. Mahulkar

..Applicant

V/s.

Union of India & Ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.
Hon. Shri M.R. Kolhatkar, Member (A)

Appearance;

Mr. D.B. Walthare
Counsel for the applicant

None for the respondents

ORAL JUDGMENT:

DATED: 13.12.1994

(Per: M.S. Deshpande, Vice Chairman)

The present application is directed against the wrong deduction made from the gratuity and provident fund payable to him. The first amount is Rs. 336. The applicant retired on 31.7.1984 as Sub Postmaster and on 18.2.1985 a letter was sent to him stating that an amount of Rs. 336/- was due from him for the loss of a cycle. Another amount of Rs. 2016/- was deducted from his provident fund which would have become payable immediately after his retirement. The applicant sent a letter to the respondents and on 22.8.85 the applicant was informed that the decision taken could not be revised.

2. While making the petition claiming the two items of payment aforesaid, the applicant had also filed Miscellaneous Petition No. 403/92 for condonation of delay by which he had sought condonation of delay in filing the present Original Application. The ground raised in the Miscellaneous Petition is that the respondents kept the issue pending for no fault on the part of the applicant and the respondents have now replied finally on 26.8.1991, 25.11.1991 and 22.1.1991 and denied the claim of the applicant.

What is being urged is that there is no law of limitation when illegal orders are passed by the respondents and when the fundamental rights are involved.

3. It is clear to us that the applicant's claim was denied by the letter dated 22.8.1985 and the applicant, therefore, should have sought his remedy within the limitation period in an appropriate forum after that letter was received because that gave him a cause of action. The present O.A. would obviously be not within time. With regard to the question of condonation of delay we find that there is no good reason made out for directing the condonation of delay. Merely because the applicant went on writing letters to the respondents even after an adverse decision was rendered, that would not be sufficient cause for condonation of delay by us. We, therefore, reject the M.P. NO. 403/92 for condonation of delay and dismiss the O.A. as barred by time. No order as to costs.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

M.S. Deshpande

(M.S. Deshpande)
Vice Chairman