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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1

OA No. 988/93

Shri A.V. Mager

..Applicant

V/s.

Union of India & Ors.

..Respondents

Coram: Hon. Shri M.Y. Priolkar, Member (A)

Hon. Smt. Lakshmi Swaminathan, M(J)

APPEARANCE:

Mr. P.V. Daware
counsel for applicant

Mr. A I Bhatkar,
for Mr. M.I. Sethna,
Counsel for respondents

ORAL JUDGMENT:

(Per: M Y Priolkar, Member (A))

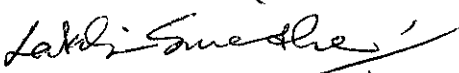
DATED: 5.11.1993


This application has been filed by the applicant in August 1993 aggrieved by the fact that, according to him, he is illegally denied his seniority and promotion and his juniors are promoted to the higher posts. Admittedly, the first junior to the applicant was promoted in 1989. The applicant has filed an M.P. for condonation of delay. This M.P. also does not disclose any reason why the applicant is approaching this Tribunal after a delay of almost four years after his junior was promoted in preference to the applicant. The applicant has cited some judicial decisions in support of his prayer that the delay needs to be condoned in this case. These decisions are, however, not relevant to the facts of the present case. The judgments cited are to the effect that under section 21 of the Administrative Tribunals Act this Tribunal has the power to condone delay if the applicant satisfies the Tribunal with the reasons for not making the application in time. The judgments also observe that the period spent in pursuing a wrong remedy in the High Court should be excluded and delay in filing the application condoned. In the present case, however, the applicant was not pursuing any remedy in the High Court.

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The delay according to the learned counsel was because of certain oral assurances that were given by his superior officers and that he was making repeated representations but without success. We are not satisfied that these are sufficient reasons for condoning the delay. The application for condonation of delay is rejected. Consequently the O.A. is also summarily dismissed as barred by limitation with no order as to costs.


(Lakshmi Swaminathan)
Member (J)


(M.Y. Priolkar)
Member (A)

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