

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 10.11.94

OA 62/94 with
MA 74/94

BABU LAL GUPTA

... APPLICANT.

V/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

HON'BLE MR. N.K. VERMA, MEMBER (A).

For the Applicant

... SHRI J.K. KAUSHIK.

For the Respondents

... SHRI MANISH BHANDARI.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

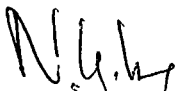
Heard the learned counsel for the parties. The applicant submitted the earlier petition on 16.7.87 and prayed that the reversion order dated 16.7.85 and the consequential order dated 27.6.86 be set aside. During the course of arguments, the OA was withdrawn by the applicant with the liberty to file a fresh petition. The applicant has come with a case that on account of ambiguity in the earlier petition he had withdrawn the petition. He has also submitted that there was a delay of 20 days in the earlier petition, which was condoned.


2. The applicant has further submitted that his client had to collect some documents and so the petition has been filed on 3.2.94 i.e. after 1½ months of the withdrawal. No sufficient ground has been explained to show why he took 1½ months time. Apart from that, the use of the word 'ambiguity' in the application for the condonation of the delay does not entitle him to get the benefit of Section 14 of the Limitation Act. There must be a defect in jurisdiction of the Tribunal or the court or in allied matter relating to the defect in the jurisdiction. In the instant case, the applicant has not even mentioned what was the defect relating to the jurisdiction, if any. His submission is that there was an ambiguity and in the

cases of ambiguity the question of jurisdiction does not arise and the use of the word 'ambiguity' is also not sufficient as he has not explained in the petition drafted and submitted in this OA.

3. The period spent after withdrawal is also not properly explained and mere submission that some documents were not available is no ground for submitting the application at a later stage and even at the time of withdrawal or the litigation he was knowing that these documents are necessary, so he should have collect them earlier.

4. No case is made out for condonation of delay and we do not find merit in the OA. MA as well as OA both are dismissed.


(N.K. VERMA)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN