

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 6.4.2015

OA No.291/00097/2014 with MA No.291/00060/2014

Mr. C.B.Sharma , Counsel for the applicant.

Mr. Hawa Singh, Counsel for the respondents.

Heard the Ld. counsel for parties.

The applicant seeks direction to treat the period from 29.9.2006 to 10.11.2006 as duty by modifying the order dated 14.6.2007 (Ann.A/1) and to release pay and allowances with all consequential benefits.

2. Ann.A/1 is the impugned order dated 14.6.2007. Ann.A/1 order was passed after consideration of representation of the applicant for regularization of period from 26.9.2006 to 5.12.2006. The Assistant Commissioner, K.V.S. treated the period 29.9.2006 to 10.11.2006 as leave of the kind due and 11.11.2006 to 5.12.2006 on duty.

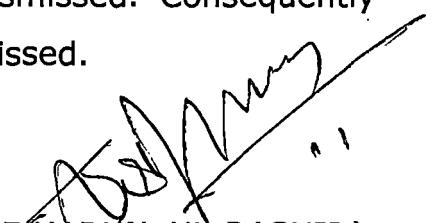
3. The OA has been filed on 2.2.2014. This OA obviously is barred by limitation. The Ann.A/1 order has attained the finality as the applicant had not chosen to challenge the order before the Tribunal. The Ann.A/1 order itself was passed on the representation of the applicant. The applicant did not pursue the matter being aggrieved by this order. He can be said to be in sleeping and not wake up for filing any petition within a reasonable period. The court is, therefore, not satisfied with the reasons stated in the OA as well in the MA. There are no sufficient reasons for allowing the application for condoning the delay.

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4. The applicant is seeking to release pay and allowances with all consequential benefits treating the period 29.9.2006 to 10.11.2006 as duty, or alternatively to credit 43 days leave in the leave account with all consequential benefits. The authority has passed the Ann.A/1 order dated 14.6.2007 which is under challenge. There is no satisfactory explanation at all for the belated filing of the Original Application.

5. In the circumstances this Tribunal is not inclined to give any relief on the facts of the case. Therefore, the MA for condonation of delay is dismissed. Consequently the Original Application stands dismissed.



(JUSTICE HARUN-UL-RASHID)
JUDICIAL MEMBER

Adm/