

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 449 of 2002

Jabalpur, this the 27 day of March 2003.

Hon'ble Shri Shanker Raju - Member (Judicial)  
Hon'ble Shri R.K. Upadhyaya - Member (Admnv.)

Surya Bhan Shukla, S/o Late Shri  
Ram Sewak Shukla, Aged about 50 years,  
(Ex-Fitter (Auto) HS GR II VFJ),  
T.No. BoYY 198/1370 Vehicle Factory,  
Jabalpur, R/o, Behind Garha Post Office  
Near Radhakunj, Rani Durgawati Ward,  
Garha, Jabalpur, M.P.

APPLICANT

(By Advocate -None)

VERSUS

1. Union of India  
Through Secretary,  
Ministry of Defence,  
Union of India - New  
Delhi - India.
2. The Director General  
Ordnance Factories Board,  
10A, Auckland Road,  
Calcutta - 700001
3. Deputy Director/VIG.  
Ordnance Factory Board,  
10A, Auckland Road,  
Calcutta-70001
4. The General Manager,  
Vehicle Factory, Jabalpur.

RESPONDENTS

O R D E R (Oral)

By Shanker Raju, Member (Judicial) :-

Through this Original Application, applicant impugnes respondent's order dated 15/05/1993, whereby after holding a disciplinary proceeding major penalty of removal has been inflicted. The applicant also assails order of the Appellate Authority dated 31/03/1994, whereby the punishment has been maintained. Although as per Section 21 an application before this Court is to be filed within one year from the order passed by the respondents in a

disciplinary proceeding after the appeal against the order of removal is rejected. By this the limitation of the applicant to prefer an original application before this Court expired on 31/03/1995. The present application has been filed after a delay of about eight years.

2. However the applicant has filed Misc. Application No. 199/2003 for condonation of delay contending that the applicant has signed the papers while he had engaged Advocate Soni in April 1994 and has been assured that whenever his presence would be required he would be intimated. On enquiries it was apprised by his counsel that his case has already been filed in the court. In May 1997 son of the applicant died and mother also in 1998. On approaching his counsel it was found that he too had expired. In February 2002 the applicant approached the junior counsel who promised to help him in the matter and in April he was told that the documents are lying in the office of the senior and no case has been filed. As the financial condition of the applicant was miserable he could contact his present counsel only in May 2002. As such he seeks condonation of delay.

3. It is a settled principle of law that one who sleeps over his right loses his remedy as well, as held by the Apex Court in R.C. Samanta Versus Union of India JT 1993 Vol. III SC 41A.

3.1. In Secretary to Government of India Versus Siyaram H Gaikwad 1995 Supp. III SCC 231, dismissal of the petitioner on 07/10/1986 was challenged on 14/09/1990 and order of the Tribunal reinstating the applicant without considering limitation was set-aside by the Apex Court.

5. As the relief is directed against an order passed in 1994 the present application suffers from delay and laches and is liable to be rejected as barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. We do so accordingly. CA is dismissed being barred by limitation. No costs.

*Elizabeth*

(R. K. UPADHYAYA)  
MEMBER (A)

S. Raju

(SHANKER RAJU)  
MEMBER (J)

पृष्ठांकन सं जो/व्या..... जलपुर, दि.....  
 च वि... अने रिवाज

- (1) ... अन्तर्गत ...  
(2) ...  
(3) ...  
(4) ...

T. A. Dubey Adm

उप राजस्वदार  
1/4/03

U S A

Issued  
on 2.11.03  
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