

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant (S)

Respondent (S)

Advocate for Applicant (S)

Advocate for Respondent (S)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

28.10.2010

OA No. 221/2010

None present for applicant.

The matter was listed for the first time on 05.05.2010. The same was adjourned to 11.05.2010 on which date the case was further adjourned on the request of the applicant for the purpose of filing an MA for condonation of delay. Thereafter the matter was adjourned from time to time. The applicant has not taken any steps for filing of the MA for condonation of delay.

From the pleadings, it is evident that the applicant is claiming the salary for the period with effect from 15.09.1999 to 23.11.1999 as according to the applicant, he was wrongly prevented to attend the duty as a public servant. It is pleaded that applicant had made representations since 2004 to 2006.

Since none has appeared in this case today, we are of the view that no relief can be granted to the applicant as grant of salary for the aforesaid period is a one time cause of action and is not a continuous cause of action. The cause of action in favour of the applicant had accrued in the year 1999 whereas the OA has been filed in the year 2010 without any application for condonation of delay despite the fact that opportunity was granted to the application to move such an application.

In view of what has been stated above, we ^{are} of the view that this OA is hopelessly time barred, which is accordingly dismissed at admission stage itself. The view which we have taken is in conformity with the law laid down by the Apex Court in the case of **Secretary to Government of India vs. Shiv Ram Madhu Gaikwad**, 1995 SCC (L&S) 1148, whereby it was held that application before the CAT was time barred and the same could not have been entertained and even the employee make no effort to explain the delay and seek condonation.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan
(M.L. CHAUHAN)
MEMBER (J)

AHQ

*copy given vide
No 1037
29/10/10*