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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH**

**CP No. 060/00004/2016 in
O.A. No. 060/00102/2014**

Decided on: 20.01.2016

**Coram: Hon'ble Mr. Justice L.N. Mittal, Member (J)
Hon'ble Mrs. Rajwant Sandhu, Member (A)**

ADP/D/944 (Lascar Pass No. ADP/D/944) Jaswant Singh aged about 51 years son of Sh. Amar Singh, resident of V.P.O. Manko Distt. Jalandhar (Punjab)

.....**Petitioner**

Versus

Group Captain A Bhalla, Station Commander, 12 WGAF, Adampur Distt. Jalandhar.

.....**Respondent**

Present: Mr. Ritesh Pandey, counsel for the applicant

Order(Oral)

By Hon'ble Mr. Justice L.N. Mittal, Member(J)

1. The instant CP has been filed by the original applicant- Jaswant Singh, for alleged non-compliance with the order dated 10.10.2014 passed by the Tribunal. By the said order, the matter was remanded back to the Competent Authority to re-consider the same in the light of the observations made in the order. The exercise was ordered to be carried out within two months from the date of receipt of a copy of the order.
2. It is alleged in paragraph 10 of the CP that certified copy of the aforesaid order was received by the counsel for the applicant as well as by the counsel for respondents on 13.10.2014 and, therefore, the respondents were required to implement the directions up to 13.12.2014.
3. The instant CP has been filed on 11.01.2016. Accordingly, we, *prima facie*, found that the CP is barred by limitation. On the last date of hearing, learned counsel for the applicant, therefore,

sought adjournment to address arguments on the question of limitation.

4. We have further heard learned counsel for the applicant. He submitted that in fact certified copy of the order was sent by the Tribunal on 29.10.2014 through post to the applicant and it was, inadvertently, mentioned in the CP that certified copy was received on 13.10.2014. Learned counsel also submitted that the respondents in the O.A. filed Writ Petition in the Hon'ble High Court on 28.04.2015 and the same was ultimately admitted by the High Court on 27.08.2015 without any interim stay at any stage. Learned counsel for the applicant submitted that limitation to file CP commenced after 28.04.2015 when the Writ Petition was filed by the respondents depicting their intention to not implement the order of the Tribunal and, therefore, the CP filed on 11.01.2016 is within limitation.
5. We have carefully considered the matter. It is specifically pleaded in paragraph 10 of the CP, supported by an affidavit, that the certified copy of the order was received on 13.10.2014. However, even assuming that the certified copy was dispatched on 29.10.2014, it might have been received by the applicant on or about 31.10.2014. The order was required to be complied with within two months i.e. up to 31.12.2014. Accordingly the CP should have been filed within limitation period of one year thereafter i.e. up to 31.12.2015. However, it has been filed on 11.01.2016 i.e. after the expiry of the limitation period.
6. There is no provision for condonation of delay in filing CP. In other words, CP cannot be entertained after expiry of limitation period. There is absolute bar in this regard.

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7. The plea of the applicant's counsel that limitation started from 28.04.2015 when Writ Petition was filed by the respondents depicting their intention not to implement the orders of the Tribunal, is completely misconceived, fallacious and devoid of substance. As noticed above, limitation period for filing of CP started after 31.12.2014 up to which date the respondents were required to comply with the order. It is well settled that once limitation period started to run, it does not cease on occurrence of subsequent event except in the case of some interim stay. In the instant case, admittedly, there was no interim stay at any stage. Consequently, mere filing of Writ Petition by the respondents did not give rise to a fresh cause of action nor period of limitation started running afresh from the date of filing of the said Writ Petition. At the risk of repetition, it is highlighted that admittedly there was no interim stay in the Writ Petition at any stage.

8. For the reasons aforesaid, the CP is found to be barred by limitation and is accordingly dismissed as such.

(RAJWANT SANDHU)

MEMBER (A)

(JUSTICE L.N. MITTAL)

MEMBER (J)

**PLACE: Chandigarh
Dated: 20.01.2016**

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