

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Order reserved on: 16.02.2015

**ORIGINAL APPLICATION NO. 060/00483/2014 &
M.A. No. 060/01084/2014
Chandigarh, this the 24th day of February, 2015**

**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

Balwinder Kumar son of Sh. Pawan Kumar, aged 34 years, resident of House No.307, Avtar Nagar Pap Bye-pass, P.O. Chuggetti, Jallandhar, Punjab.

...APPLICANT
BY ADVOCATE: SHRI D.R. SHARMA

VERSUS

1. Union of India, Ministry of Railways through its General Manager, Northern Railway, Baroda House, New Delhi.
2. The Senior D.M.E. (DSL), Northern Railway, Diesel Shed, Ludhiana, Punjab.
3. The D.M.E. (DSL), Northern Railway, Diesel Shed, Ludhiana, Punjab.
4. ADME / DSL / LDH, Northern Railway, Diesel Shed, Ludhiana.

...RESPONDENTS
BY ADVOCATE: SHRI YOGESH PUTNEY

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ORDER**HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-**

Removed from service w.e.f. 15.09.2006 (Annexure A-9) after inquiry (Annexure A-10) into the charge based on unauthorised absence for 96 days (Annexure A-13), the applicant, a compassionate appointee as DSL-Cleaner (Elec) in the year 2000, with the history of long absence on many previous occasions, has filed the instant O.A. on 28.05.2014 after a delay of 2097 days. The M.A. No. 060/01084/2014 has been filed on 11.08.2014 seeking condonation of the said delay.

2. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

3. We feel that the present O.A. may be disposed of on the short point of limitation and without going into the merits of the case.

4. Surprisingly, the M.A. No. 060/01084/2014 seeking condonation of delay of 2097 in filing the O.A. discloses no cause, much less "sufficient cause", for the delay. The M.A. rather states

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that the O.A. was filed within the limitation-period. Such an application, in our view, cannot be allowed.

5. It would here be apt to note the following observation of the Hon'ble Supreme Court in **Union of India Vs. Harnam Singh** [(1993) 2 SCC 162]:

"The law of limitation may operate harshly but it has to be applied with all its rigour and the courts or tribunals cannot come to the aid of those who sleep over their rights and allow the period of limitation to expire."

6. In the light of the above, the O.A. is dismissed being barred by limitation. No order as to costs.

B. A. Agarwal
(DR. BRAHM A. AGRAWAL)
MEMBER(J)

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(RAJWANT SANDHU)
MEMBER(A)

Dated: 24.02.2015

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