

Open Court

**Central Administrative Tribunal, Allahabad Bench
Circuit Bench at Nainital**

Original Application No.331/00073/2015

This the 20th day of July, 2018

Hon'ble Mr. Justice Bharat Bhushan, Member (J)

Vishesh Kumar son of late Nirankar Tyagi, resident of Village and Post Chudilya, District- Haridwar (Uttrakhand)

Applicant

By Advocate: Sri Niranjan Bhatt

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Chief Controller Defence Accounts, ULAN Batar Road, Palam Delhi Cantt-110010.
3. Senior Accountant Officer (Administration) PAO (Ors) BEG &C, Roorkee Cantt-247667.
4. Assistant Controller of Defence Accounts (Admn) belvedere Complex, Ayudh Path, Meerut Cant- 250001.
5. Senior Accounts Officer (Admn) Controller Defence Accounts (Army) Meerut Cant. -250001.

Respondents

By Advocate: Sri Naman Kamboj for Sri L.P. Tiwari

ORDER

HON'BLE MR. JUSTICE BHARAT BHUSHAN, MEMBER (J)

The applicant has moved delay condonaiton application No. 331/00166/2015 whereupon respondents have filed detailed objection.

2. Heard learned counsel for both parties.
3. It is apparent that the father of the applicant died in the year 2002. The applicant filed application on 16.3.2004 before respondents for grant of compassionate appointment to the

applicant which was rejected vide order dated 30.3.2005. The applicant has moved the present O.A. in the year 2015 i.e. after 9 years.

4. Learned counsel for applicant has argued that he was student at the time of death of his father and thereafter he had also approached the High Court of Uttrakhand by filing Writ Petition No. 666/2012. Counsel for applicant has drawn attention of this Tribunal towards sickness of his mother saying that on account of sickness of his mother and by filing some representations, he could not approach this Tribunal in time.

5. Record reveals that the applicant passed class XII examination in the year 2003 and completed his Graduation in the year 2006. Even his writ petition in the High Court was dismissed in May 2014 on the ground of alternative remedy available in the Central Administrative Tribunal under Administrative Tribunals Act, 1984 (in short Act) yet the applicant did not move this Tribunal. Applicant waited almost 8 or 9 years even after completion of his Graduation. Ordinarily, it is incumbent upon a person seeking relief before this Tribunal to invoke the jurisdiction in the Tribunal within time. If some delay has occurred, then the applicant is duty bound to show reasonable cause for delay. This Tribunal believes that subsequent moving of various representation by itself will not extend the period of limitation. Tribunal is not convinced by the reasons advanced by the counsel for applicant for 9 years delay for invoking jurisdiction in this Tribunal. Delay condonation

application No. 331/00166/2015 is therefore, dismissed. Accordingly O.A. is also dismissed. No order as to costs.

**(JUSTICE BHARAT BHUSHAN)
MEMBER (J)**

HLS/-