

**Central Administrative Tribunal
Principal Bench**

M.A. No. 367/2017
M.A. No. 368/2017 in
O.A. No. 374/2017

New Delhi, this the 28th day of March, 2017

**Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)**

Rishi Nath Prasad,
S/o Shri Sidh Nath Prasad,
R/o Moh-Devisarai, P.O. – Maghra,
P.S. Dipnagar, Distt. Nalanda, Bihar. .. Applicant

(By Advocate: Shri Sunil Kumar Verma)

Versus

1. Union of India,
Through Secretary,
Ministry of Human Resources Development,
Government of India,
Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi-110001.

2. University Grants Commission,
Through its Chairman,
Bahadurshah Zafar Marg,
New Delhi-110002.

3. The Secretary,
University Grants Commission,
Bahadurshah Zafar Marg,
New Delhi-110002. .. Respondents

(By Advocates: Shri Yogesh Mahur for Shri Gyanendra Singh)

ORDER (Oral)

By Mr. P.K. Basu, Member (A):

Heard the learned counsel in MA 367/2017 seeking condonation of delay.

2. The applicant has challenged his termination order dated 02.07.2015. The reasons for delay is mentioned in the application are as follows:

- “(i) That the impugned termination order was passed on 02.07.2015, and the applicant immediately thereafter approached an advocate for filing the O.A. However, a criminal proceedings was launched by lodging the FIR on 30.09.2015. Because of the said criminal proceedings the applicant was mentally upset and the applicant was frequently called by the prosecuting agency, the CBI for investigation and the applicant co-operated with the prosecuting agency and appeared before the CBI whenever called for. And ultimately the applicant was arrested on 14.09.2016. The applicant was granted bail on 03.10.2016. Because of the above explained reason the applicant could not make contact with his said lawyer.
- (ii) That the applicant after release collected the relevant papers and documents for filing the O.A. before this Hon'ble Tribunal. However, due to demonetization announced on 08.11.2016, the applicant was hard pressed to arrange for sufficient funds to file the present O.A.
- (iii) The applicant after arranging for the funds approached his counsel for filing the O.A. in the second week of December. And after drafting the application, the present O.A. is being filed. In the process some delay has occasioned in filing the present O.A. as the limitation expired on 01.07.2016. The said delay of about 170 days in filing the O.A. is unintentional and beyond the control of the applicant. It is, therefore, in the interest of justice that the said delay of about 170 days in filing the O.A. be condoned, the matter be heard and decided on its merits.”

3. It would be seen that there has been considerable delay on the part of the applicant in filing this O.A. barring the period 14.09.2016 to 03.10.2016, during which time he was in prison. There was no cogent explanation for the remaining period. We, therefore, dismiss this M.A.

4. As a consequence, the O.A. is also dismissed. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member (A)