

## Central Administrative Tribunal Principal Bench

OA-1542/2017  
MA-1676/2017

**New Delhi, this the 05<sup>th</sup> day of March, 2018**

**Hon'ble Mrs. Jasmine Ahmed, Member (J)  
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Mukesh Chand Yadav,  
Ex Constable No. 585/ND  
Group 'C', Aged 50 years,  
S/o Sh. Ramchandra,  
R/o Majari Kalan,  
Alwar, Rajasthan, 301703. .... Applicant

(through Sh. Asish Nischal)

## Versus

1. Delhi Police  
Through its Commissioner,  
Police Headquarters,  
ITO New Delhi.
2. Special Commissioner of Police,  
New Delhi Range, Delhi. ... Respondents

(through Sh. Amit Sinha for Sh. R.N. Singh)

## ORDER(ORAL)

## **Hon'ble Mrs. Jasmine Ahmed, Member (J)**

MA No. 1676/2017 has been filed by the applicant for condonation of delay of around ten years as impugned order is dated 04.10.2007 and this present OA has been filed on 02.05.2017. The applicant was dismissed from service by order dated 04.10.2007

and the sole ground of filing the case after around ten years as taken by the counsel for the applicant is that the applicant was continuously having bouts of Schizophrenia and was not in proper mental state and because of that neither he could appear before the respondents nor could assail the impugned order in time. Even an appeal has been filed by the applicant against the impugned order dated 04.10.2007 on 25.01.2017 which has been dismissed vide order dated 05.04.2017 on the ground that it is barred by limitation for a period of more than nine years and three months. It is also stated that nothing specific has been mentioned by the applicant to condone the delay. Learned counsel for the applicant has drawn our attention to page 23 which is a certificate dated 24.12.2016 in favour of the applicant wherein it is written as under:

“The Patient name Mukesh Chandra age 50 years married, s/o of Mr. Ram Chandra Yadav, is a known case of Psychiatric illness since 2005, and on regular treatment with follow up from Dept. Of Psychiatry, Mahatma Gandhi Medical college and hospital, Jaipur.”

2. Learned counsel for the applicant states that the applicant is under treatment and hence the delay be condoned. It is surprising that if the applicant is undergoing treatment for a long time then he should have at least attached the prescriptions in support of his prolonged illness and treatment. Only a certificate stating that he is a known case of Psychiatric illness does not support the case of the applicant. It also does not support his unauthorised absence. Even

if the applicant was sick and suffering from mental illness, any of the family members could have intimated his illness to the department.

3. Accordingly, in our considered view, the delay in approaching this Tribunal only on the basis of a certificate dated 24.12.2016 is not sufficient to condone the delay as delay has to be explained in a detailed way which is very much lacking in this application for condonation of delay. The MA for condonation of delay is accordingly dismissed as well as the OA which is also barred by limitation.

**(Uday Kumar Varma)**  
**Member (A)**

**(Jasmine Ahmed)**  
**Member (J)**

/ns/