

Central Administrative Tribunal
Principal Bench
New Delhi

M.A.No.3833/2016 in O.A.No.4298/2016
and
O.A.No.4298/2016

Order Reserved on: 12.07.2017
Order pronounced on 11.08.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri Shekhar Agarwal, Member (A)

Sh. S.K.Rai, Age 59 years old, Group 'D'
S/o Sh. Bateshwar Rai
H.No.689/7A, Shambhav Colony
Mandi Pahari, Mehrauli
New Delhi – 110 047. ... Applicant

(By Advocate: Mr. Baran Kr. Sinha with Ms. Pratibha Sinha)

Versus

All India Institute of Medical Sciences
Through its Director
Ansari Nagar
New Delhi. ... Respondent

(By Advocate: Mr. R.K.Gupta)

ORDER

By V. Ajay Kumar, Member (J):

The applicant, an Hospital Attendant Grade-II in the respondent, AIIMS, filed the OA questioning the Annexure A1 Order dated 01.05.2004 whereunder, he was imposed with the penalty of dismissal

from service. He also filed the instant MA seeking condonation of delay of 9 years in filing the OA.

2. Heard both sides and perused the pleadings on record.

3. The only reason given by the applicant for condonation of the delay is that a criminal case filed by the Respondent-AIIMS against the applicant, who was the President of the AIIMS Employees Union, was pending for all these years and the said criminal case was finally decided on 04.05.2013 and his representations made, subsequent thereto, were decided against him and thereafter he preferred the OA.

4. Pendency of a criminal case is not a valid ground for seeking condonation of delay in filing an OA for questioning a disciplinary order. No other valid ground or a circumstance which prevented the applicant from filing the OA, within the limitation period, is shown.

5. In the circumstances and for the aforesaid reasons, MA 3833/2016 is dismissed, and as a consequence, the OA also stands dismissed. No costs.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member (J)