

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.3841/2015

New Delhi, this is the 24th Day of November, 2015

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

Mr. Brij Lal
Block No. 12/168, Double Storey,
Govt. Quarters, Dev Nagar,
New Delhi

... Applicant

(By Advocate: Mr. Moni Cinmmey)

Versus

1. Union of India
Through its Secretary
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training,
Lok Nayak Bhawan,
Khan Market, New Delhi.
 2. Union of India
Through its Secretary
Ministry of Heavy Industries & Public Enterprises,
Udyog Bhawan, New Delhi
- ... Respondents

ORDER (Oral)

By Hon'ble Shri V. Ajay Kumar, M(J):

Heard the learned counsel for the applicant.

2. MA No. 3507/2015 has been filed for exemption in filing originals of the documents/annexures, is allowed, in the circumstances.

3. The present OA has been filed along with MA No. 3506/2015 seeking following prayer in the MA:-

*“(i) Allow the present application.
(ii) condone the delay in filing the afore-titled application as also the earlier O.A. bearing No. 2841/2012.
(iii) adjudicate the original application on merits and allow the said original application.”*

4. In this MA the applicant is seeking to condone an unspecified delay in filing the present OA No. 3841/2015 and also the delay in filing a disposed of OA No. 2841/2012

5. The MA No. 3506/2015 and OA NO. 3841/2015 are liable to be dismissed for the following reasons:-

i) No MA is maintainable without specifying the exact number of days of delay. The applicant, except praying for condoning the delay, has neither calculated nor mentioned what is the exact number of days of delay and when the period of limitation starts for filing the OA etc.

(a) The applicant earlier filed OA No. 2841/2012 seeking the following reliefs:-

“i. Direct the respondents to grant notional promotion to the applicant from the date of inclusion in the Select List for the year 2003 along with increments and consequential post-retirement benefits including dues accruing there from.

ii. Pass any other Order(s) which this Hon’ble Tribunal deems fit and proper under the facts and circumstances of the case at hand.”

(b) The said OA, after hearing both sides, was dismissed by holding that the same was barred by limitation on the ground of inordinate delay in filing the same, by an order dated 28.03.2014.

(c) A Review Application No. 93/2014 in OA No. 2841/2012 preferred by the applicant against the aforesaid order was also dismissed on 28.05.2014.

(d) WP(C) No. 8139/2014 filed by the applicant against the aforesaid orders in OA as well as in RA was disposed of as withdrawn with liberty to seek all legal remedies before the Armed Forces Tribunal as are available to the Petitioner by order dated 25.11.2014. The said order was corrected /modified by incorporating the Central Administrative Tribunal in place of Armed Forces Tribunal by an order dated 15.05.2015.

(e) The applicant preferred the present OA No. 3841/2015 seeking the following reliefs:-

“i. Direct the respondents to grant notional promotion to the applicant from the date of inclusion in the Select List for the year 2003 along with increments and consequential post-retirement benefits including dues accruing there from.

ii. Pass any other Order(s) which this Hon’ble Tribunal deems fit and proper under the facts and circumstances of the case at hand.”

(f) It is to be seen that the Hon'ble High Court of Delhi while permitting the applicant to withdraw his WP (C) has neither condoned the delay in filing the OA No. 2841/2012 nor permitted him to file a fresh application seeking condonation of delay in the disposed of OA No. 2841/2012. What all permitted by the Hon'ble High Court of Delhi was that to seek the legal remedies available to the applicant. It cannot be construed that the said liberty exempts the applicant from any of the Principles of Law such as delay or resjudicata etc.

6. Accordingly, the MA No. 3506/2015 is dismissed.
7. In view of the dismissal of the MA seeking condonation of delay in filing the OA, the OA is also dismissed.
8. No costs.

(Shekhar Agarwal)
Member(A)

(V. Ajay Kumar)
Member(J)

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