

**Central Administrative Tribunal
Principal Bench**

**OA No.3990/2015
MA No.3654/2015**

New Delhi, this the 30th day of March, 2017

Hon'ble Mr. P.K. Basu, Member (A)

Bhanu Pratap Singh, Age about 43 years,
Serving as Inspector in Delhi Police,
S/o Shri Om Prakash Sharma,
R/o H.No.20, Block-28,
Ground Floor,
Shakti Nagar,
Delhi.

...applicant

(By Advocate : Shri M.K. Bhardwaj)

Versus

Commissioner of Police & Ors. Through

1. The Commissioner of Police,
Police HQ, IP Estate,
New Delhi.
2. The Joint Commissioner of Police,
Traffic, New Delhi.

...respondents

(By Advocate : Shri Amit Anand)

ORDER (ORAL)

MA No.3654/2015

Heard the learned counsel for the applicant in Misc.
Application.

2. There is no date indicated in the MA. The petition states as follows :-

- “1. That the applicant herein this MA is also applicant in accompanying OA, therefore the contents of the same may be read as part and parcel of this MA.
2. That the applicant was subjected to disciplinary action and finally punished by imposing penalty of Censure vide order dated 12.04.2012. Being aggrieved by the said order the applicant filed appeal and the appeal was dismissed by the Appellate Authority vide order dated 18.06.2013. The said order was served on the applicant on 27.06.2013. After receipt of order, the applicant provided the entire record to Ashish Kumar Advocate for giving the same to Sh. M.K. Bhardwaj, Advocate for drafting OA. The OA was drafted in May 2014 itself and thereafter the same was given to the Clerk for filing. However, due to communication gap between the applicant and the office of his advocate, the OA could not be filed and it is only in April 2015 the said error could be detected.
3. That as the limitation period was already over, therefore, the OA was filed without any delay on 28.04.2015. However, by the time the delay of near about 10 months & 11 days had already taken place.”

3. What transpires from the contents of this MA is that the applicant was searching around for lawyers and, therefore, the delay of more than 10 months and 11 days has occurred. Learned counsel for applicant has also filed before me an Order dated 05.12.2011 passed in OA No.2232/2010, stating that when there is

no reply filed by the respondents to the condonation of delay, the MA is to be allowed :-

“In hand is a miscellaneous application seeking condonation of delay in filing OA No.2232/2010. Neither any reply to this miscellaneous application has been filed nor the contents whereof have been disputed during the course of arguments. MA stands allowed.”

4. It is argued that the interpretation of this finding of the Court is that in case the respondents fail to file response to the condonation of delay, the MA is to be allowed. The plain reading of the above finding of the Tribunal does not lend itself to such an interpretation. The MA stands dismissed.

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5. In view of the above order passed in MA, the OA also stands dismissed. No costs.

(P.K. Basu)
Member (A)

‘rk’