

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A No. 4157/2016
M.A. No. 3743/2016

New Delhi this the 23rd day of February, 2017

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)
HON'BLE MR. P.K. BASU, MEMBER (A)**

K.Z. Khan,
Aged 50 years, Group 'B'
Working as Sr. Assistant,
S/o Late Shri A. Khan,
R/o 79, BMK, Giri Nagar,
Kalkaji, New Delhi-110019. Applicant

(By Advocate : Ms. Kiran Ahlawat)

Versus

1. National Projects Construction Corporation Ltd.,
Through its Chairman and Managing Director,
Raja House, 30-31, Nehru Place,
New Delhi-110019.
2. Ministry of Water Resources,
Shram Shakti Bhawan,
Rafi Marg, New Delhi-110001. Respondents

(By Advocate : Shri Piyush Gaur)

ORDER (ORAL)

By Mr. V. Ajay Kumar, Member (J)

Heard Ms. Kiran Ahlawat for the applicant and Shri Piyush Gaur, learned counsel for the respondents.

2. The applicant, a Senior Assistant Grade-II, filed the O.A. seeking the following relief(s):

"(a) Pass an order directing the respondents to grant promotion to the Applicant from 1996 onwards when the other co-

employees were granted promotion along with the other consequential benefits along with the interest at @ 18% p.a.;

- (b) Pass an order directing the respondents to grant notional seniority at par with Shri Avdhesh Kumar Sharma, Asst. Manager (Security) from 08.01.1990 on basis of higher qualification and higher tenure of service within the organization compare to Shri Sharma with monetarily benefits, pay-package at par with additional 18% rate of interest p.a.
- (c) Pass any further order(s) which this Hon'ble Tribunal may deem fit and proper in view of the facts and circumstances of the case in the interests of justice."

3. The applicant filed an MA 3743/2016 seeking condonation of delay in filing the O.A. and the relief claimed in the MA reads as under:

"It is, therefore, most respectfully prayed that the delay of 1165 days against order dated 25.05.2011 and delay of 1769 days against order dated 12.04.2010 may kindly be condoned in the interest of justice and the O.A. may please be heard on its merits. Such other orders may kindly also be passed as this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the instant case."

4. The applicant while seeking condonation of abnormal delay in filing the O.A. submits that he has been patient of Chronic Diabetes, Chronic Hypertension and Chronic Thrombocytopenia (less Platelet count even below the normal range of 1.5 – 4.00 million) and requires blood transfusion frequently, apart from certain other personal difficulties. Though the delay is about more than five years, except making the bald statement, the applicant has not filed any document to prove his continuous ill health and it

is also not coming forth from the application that during the said period of five years, whether the applicant worked or went on extraordinary leave etc. No medical bills, no doctors' prescription are filed along with the MA. It is also to be seen that the applicant, in fact, filed various cases before various other courts in respect of certain other cause of actions and further, if the applicant able to join his job and able to discharge his daily duties, it cannot be said that he cannot pursue his case for such an abnormal and long period.

5. In the circumstances, we do not find any merit in the MA seeking condonation of delay and, accordingly, the same is dismissed and consequently, the O.A. is also dismissed. No order as to costs.

(P.K. BASU)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

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