

**Central Administrative Tribunal
Principal Bench**

**OA No.996/2012
MA No.263/2015**

New Delhi, this the 29th day of November, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

P. N. Sharma, Section Officer,
Roster No. 296,
LAO, CSD, [1],
Delhi Cantt – 110010.

.. Applicant.

(By Advocate: Shri Vijender P. Kumar)

Vs.

1. Union of India,
Through The Secretary,
Ministry of Defence, [Finance],
South Block,
New Delhi – 110001.

2. The CGDA,
West Block-V, R.K. Puram,
New Delhi – 110066.

.... Respondents.

(By Advocate: Shri Rajender Nischal)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant is an employee of Ministry of Defence, Accounts Department, and he was on deputation in the Ministry of Defence (Finance) w.e.f. 01.07.2002. Adverse entries were made against him in the ACRs for the year 2002-2003 and 2003-2004. Aggrieved by that, he made representations to the concerned authority. On examining the matter at length, representations were rejected in the

year 2006 through 2 speaking orders dated 04.01.2006. The same is challenged in this O.A. A prayer is also made for expunction of the remarks.

2. The applicant contends that the reasons mentioned in the orders are untenable and are not borne out from record. He filed application for condonation of delay in filing this OA, but without mentioning the extent.

3. The respondents filed the counter affidavit opposing the O.A. It is stated that the O.A. is hopelessly barred by limitation, and an order passed in 2006 is sought to be challenged in the year 2012.

4. The case was listed on several occasions, and this is also one of the oldest cases pending before the Principal Bench of this Tribunal. On 09.10.2018, a representation was made on behalf of the applicant that he intends to engage a Senior Advocate. The OA was adjourned till this date to enable the applicant to engage Senior Advocate. Today also, similar representation is made. We are not inclined to accede to the request. When no assistance is forthcoming, we perused the record.

5. Both the orders that are challenged in this O.A. are of the year 2006. The Administrative Tribunals Act, 1985, and the Rules made thereunder permit the aggrieved party to

institute the proceedings within one year from the date on which the cause of action arises. The applicant was aware that the limitation for filing the OA had expired. However, in the application filed for condonation of delay, he did not even mention the extent of time, much less did he furnish any reasons that would enable the Tribunal to condone such an enormous delay.

6. On merits also, it is not as if the adverse remarks of the applicant remained on the file, and he was not aware of them. The remarks were communicated to him and he made a representation for expunction of the same. The concerned authority passed a detailed reasoned order. It is not demonstrated that any fact which is not borne out from the record has been taken into account for rejection of the representation. At any rate, we cannot entertain the OA which is filed six years after the representation was rejected. The remarks of the years 2002-2003, 2003-2004, hardly remain of any effect, at this stage.

7. The OA as well as MA are accordingly dismissed. There shall be no order as to costs

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/