

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**ORIGINAL APPLICATION NO.060/00334/2018 &
M.A. No. 060/00422/2018**

Chandigarh, this the 10th day of December, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...
Gurbax Singh aged about 74 years S/o Late Sh. Jagat Singh, Ex-security Officer, VPO Mahilpur, H. No. 159, Ward No. 7, District Hoshiarpur, now resident of House No. 3712, 15 Avenue, Vernon BC Canada, VIT6N9 (Group B)

....Applicant

(Present: Mr. Karan Singla, Advocate)

Versus

Postgraduate Institute of Medical Education and Research, Chandigarh through its Director

.....

Respondent

(Present: Mr. D.R. Sharma, Advocate)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. By way of the present O.A., the applicant has challenged the order dated 02.01.2017 (Annexure A-12) whereby his representation has been rejected. He has also sought issuance of a direction from this Tribunal to direct the respondents to decide his pending representation dated 06.03.2017, in terms of report of Dr. S.K. Prabhakar Committee dated 25.11.2010 and 12.09.2012.

2. The applicant has moved an MA seeking condonation of delay of 74 days in filing the present O.A.

3. This Court, at the first instance, issued notice in MA for condonation of delay, to which the respondents have filed reply, wherein it is submitted that in fact the delay in filing the O.A. is of 28 years, as the cause of action accrued to the applicant in the year 1990 when he was denied the benefit of fixation of pay, which

he is claiming in this O.A. He submitted that such a huge delay cannot be condoned in any circumstances.

4. We have heard learned counsel for the parties.
5. Mr. Karan Singla, learned counsel for the applicant submitted that since the applicant was out of country and was in Canada, therefore, he could not approach the respondents or the Court of law for redressal of grievance. He further submitted that immediately after his return to India, he pursued the matter with respondents, which was rejected vide order dated 02.01.2017 and sent to his address in Canada and got received by his family member, which he happened to know on 18.04.2017 on his return to Canada. Thereafter, he approached this Court. He pleaded that the delay occurred is not intentional and prayed that it may be condoned and the matter be decided on merits.
6. On the other hand, Mr. D.R. Sharma, learned counsel for the respondents submitted that the applicant is trying to mislead this Court. The cause of action arose in favour of applicant on 27.07.1990, from which date he is asking for revision of pay, and calculating there from the delay is of 10,220 days and not 74 days, as pleaded by the applicant. The applicant retired from service in the year 2003 and if counting the limitation from that time, the applicant has delayed filing O.A. after 15 years of occurrence of cause. He argued that the impugned order issued in response to a belated representation cannot be made a basis to get the huge delay condoned and obtain a fresh cause of action.
7. We have given thoughtful consideration to the matter and perused the pleadings available on record. We are of the opinion that the arguments advanced by the learned counsel for the

respondents carry weight. It is a settled law by the Court of law that repeated representations do not give a fresh cause of action to the litigant. There is a huge delay of 15 years even if we count it from the time the applicant retired, and the applicant has miserably failed to justify the inordinate delay occurred in approaching the Court of law to have his right. Non-challenge of any order gives a signal that the same has been accepted by the person concerned and he is, in no way, aggrieved there against. The position settled for the last so many years cannot be unsettled at this belated stage, without there being any justifiable reason for such a huge delay.

8. In view of the above, the MA for condonation of delay is dismissed. Accordingly, the O.A. is dismissed for delay and laches.

(P. GOPINATH)
MEMBER (A)

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(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 10.12.2018