

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

MA/20/790/2017

Date of Order: 10.08.2018

IN

**OA/20/1059/2017 &
OA/20/1059/2017**

Between:

B. Vishnu Murty Naidu,
Alia Siva Rama Sagar,
S/o. Laate Venkateswarulu,
Aged 32 years,
R/o. Peddatilak Village,
Kurnool Mandal,
Kurnool District.

... Applicant

AND

1. The Union of India rep. by
Secretary,
Central Excise, Customs
and Service Tax Department,
New Delhi.
2. The Commissioner,
Central Excise and Service Tax Dept.,
9/86/A, Amaravathinagar,
West Church Compound,
Tirupati, Chittoor District.
3. The Assistant Commissioner of
Central Excise and Service Tax Dept.,
Kurnool.

... Respondents

Counsel for the Applicant
Counsel for the Respondents

: Mr. B. Shiva Kumar
: Mr. K. Venkateswarlu,
Addl. CGSC.

CORAM :

THE HON'BLE MR.JUSTICE R. KANTHA RAO, JUDL. MEMBER
THE HON'BLE MRS. NAINI JAYASEELAN, ADMN. MEMBER

ORAL ORDER

{ Per Hon'ble Mr. Justice R. Kantha Rao, Judl. Member }

No representation for the Applicant. Mrs. K. Swarna represented Mr. K. Venkateswarlu, learned Standing Counsel appearing for the Respondents. Reply not filed.

2. We have perused the contents of the affidavit filed in support of the Miscellaneous Application and the grounds urged therein to condone the delay. The delay occasioned is about 3 years, 2 months & 18 days in filing the O.A. It is well settled law that even though the ground of delay has not been taken up as defence by the opposite party, it is the duty of the Tribunal to see whether the Original Application filed before the Tribunal is within the time or barred by limitation.

3. The claim of the Applicant for compassionate appointment was rejected by the Respondents vide Proceedings dated 10.9.2013. He filed the present O.A. on 28.11.2017 and there occurred the delay of 3 years, 2 months & 18 days. When once the claim of the Applicant has been rejected by the Respondents, the Applicant is under the duty to file an O.A. before the Tribunal within the time allowed u/Section 21 of the Administrative Tribunals Act. Section 21(1) of the A.T. Act lays down that the Tribunal shall not 'Admit' an Application, unless the Application is made within one year from

the date on which a final order has been made. However, under Sub Section 3 of Section 21, the Tribunal may admit an Application, if the Applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period prescribed u/S 21 (1).

4. In the instant case, the Applicant submits that subsequently he made another representation dated 24.2.2017 to re-consider the decision, but the same was rejected and hence the O.A. is filed within the limitation. As to the said submission made in the affidavit it is required to be stated that by making successive applications, the Applicant cannot save the limitation. After the rejection order dated 10.9.2013, the Applicant ought to have filed the O.A. within the time allowed u/S 21 of the Act.

5. The Applicant submits that the delay occurred as a result of spending time for obtaining legal opinion and also on account of paucity of funds to approach the Tribunal. The said grounds are not valid grounds to condone the inordinate delay in filing the O.A. The submission made by the Applicant that, with fond hope he was waiting for re-consideration of the decision of the Respondents, is not at all a ground to save the limitation.

6. For the foregoing reasons, the M.A. is dismissed. Consequently, the O.A. is rejected. No order as to costs.

(NAINI JAYASEELAN)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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