

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.762/2017

Date of Decision: 22.01.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)

Shri Ajay Narayan Salvi
 Occup.- Service,
 R/at Jabinda Estate Bldg.,
 3rd Floor Plot No.20/30, Aurangabad
 O/at Central Excise & Customs,
 Aurangabad 431 005.
(Advocate Shri P.A. Kulkarni)

... ***Applicant***

Versus

1. Union of India,
 Through its Secretary,
 Ministry of Finance,
 Janpath, New Delhi 110 001.
2. The Director
 Central Board of Excise Control
 North Block, New Delhi.
3. The Chief Commissioner
 Central Excise & Customs,
 Nagpur Zone, Nagpur.
4. The Commissioner
 Central Excise & Customs
 Aurangabad 431 005.

... ***Respondents***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission,
 neither the Applicant nor Shri P.A. Kulkarni, learned Advocate for
 him remained present. We have carefully perused the case record.

2. In this OA, the applicant has prayed for the following

reliefs;

“8.a) The Original Application may kindly be allowed.

8.b) The Hon'ble Tribunal may be pleased to quash and set aside the orders passed by the respondents rejecting the claim of the applicant dated 1st June 2010.

8.c) By issuing appropriate orders, directions respondents may kindly be directed to regularize the service of the applicant and grant temporary status to the applicant with all consequential benefits.

8.d) This Hon'ble Tribunal may direct the respondent – 4 to give regular work to the applicant.

8.e) Any other relief to which the applicant is entitled may kindly be granted in his favour.”

3. Record shows that in pursuance of the order dated 29.01.2010 passed by this Tribunal in group of OAs bearing No.81/2010 to 96/2010, in which OA No.83/2010 pertains to applicant, a direction was issued to the respondents to consider their claim for grant of temporary status and regularization. In pursuance of the aforesaid direction, the impugned order dated 03.06.2010 (Annexure A-2) is passed by the Respondent No.2 rejecting the claim, which is challenged in this OA. However, along with OA, MA for condonation of delay is not filed.

4. Record shows that the OA is filed on 14.10.2016. As such, the same having been filed after expiry of a period of one year, as per Section 21 of the Administrative Tribunals Act 1985, it is hopelessly barred by time, for which no MA for condonation

of delay stating the grounds therefore is filed.

5. After filing of the present OA, the office has drawn as many as eight objections and vide letter dated 03.07.2017, learned Advocate for the applicant was informed to attend the Registry for removal of office objections. However, nothing has been heard from the other end.

6. Considering the peculiar facts of the case, the OA stands dismissed on preliminary ground of limitation, as well as in default of appearance of the applicant and his Advocate at admission stage and also for failing to remove the office objections.

7. Registry is directed to forward copy of this order to both the parties.

(R. Vijaykumar)
Member (A)

(Arvind J. Rohee)
Member(J)

dm.