

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, MUMBAI.**

**ORIGINAL APPLICATION NO.769 OF 2017**

**Dated this Tuesday, the 23<sup>rd</sup> day of January, 2018**

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

Tayyab Khan S/o Gulab Khan Pathan,  
Age – 44 yrs, Occup. - Service,  
R/o Kirradpura, Jaliki Darga Aurangabad,  
office Add – Central Excise & Customs  
Aurangabad 431 005.

***-Applicant***

***(By Advocate Shri P.A.Kulkarni)***

**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.***

**O R D E R (ORAL)**

**Per:- Hon'ble Shri A.J.Rohee, Member (Judicial)**

Today when the matter is called out for admission, the applicant and Shri P.A.Kulkarni, learned Advocate for him both remained absent without any intimation even

on repeated calls. We have carefully perused the case record.

**2.** In this OA, the applicant has grievance regarding the order dated 01.06.2010 (Annexure A-2) passed by the respondents rejecting his claim for conferment of temporary status and regularization of service. It is obvious that along with OA, MA for condonation of delay is not filed. The order of rejection has been passed in pursuance of the direction issued by this Tribunal in group of OAs bearing Nos.529/2010 to 543/2010 vide order dated 12.08.2010.

**3.** It is obvious from record that the OA having been filed after expiry of statutory period of one year on accrual of cause of action as prescribed under Section 21 of the Administrative Tribunals Act, 1985, it cannot be entertained.

**4.** Even otherwise, the record shows that this OA has been filed on 14.10.2016. On scrutiny, the Office has drawn three objections and by communication dated

06.07.2017, the learned Advocate for the applicant was called upon to take necessary steps for removal of those office objections. However, nothing has been heard from the other end. It appears that applicant has lost his interest to proceed with the matter.

**5.** From the above discussion, the OA cannot proceed further. It stands dismissed as barred by limitation and also in default of appearance of applicant and his Advocate and also for failing to remove office objections.

**6.** Registry is directed to forward certified copy of this order to both the parties.

***(R. Vijaykumar)***  
***Member (Administrative)***

***(Arvind J. Rohee)***  
***Member (Judicial)***

*kmg\**