

ORAL

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD

(This the **12th Day** of **March**, 2019)

Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)
Hon'ble Ms. Ajanta Dayalan, Member (Administrative)

M.A. No.330/834/2018 in
Original Application No.330/360/2018

(U/S 19, Administrative Tribunal Act, 1985)

Radhey Shyam a/a 38 years, S/o Prabhu Dayal, R/o Village – Bhola Niwada,
Post – Aunaha, District – Kanpur Dehat.

..... **Applicant**

By Advocates: **Shri D.K. Mishra**
 Shri S.K. Dubey

Versus

1. Union of India through its General Manager (W.R.) Ratlam, District Ratlam (M.P.).
2. Divisional Railway Manager, Ratlam Division, Ratlam (W.R.), M.P.
3. Senior Section Engineer Telecom, Ujjain (W.R.), Madhya Pradesh.
4. Divisional Section Telecom Engineer-II, Divisional Office Ratlam, (W.R.) M.P.
5. Assistant Signal and Telecom Engineer (W.R.), Ratlam, M.P.

..... **Respondents**

By Advocate: **Shri Sanjeev Kumar Pandey**

ORDER

Delivered by Hon'ble Mr. Justice Bharat Bhushan, Member (Judicial)

Shri D.K. Mishra, Advocate is present for the applicant. Shri Sanjeev Kumar Pandey, Advocate is present for the respondents.

2. **M.A. No.330/834/2018**- has been filed by the applicant for condonation of delay in filing the Original Application.

3. It appears that applicant was working in Railways at Ratlam. He was removed from services on 19.11.2010 on account of his continuance absence from job. He did not seek any redressal till 2018. Present OA was filed in the year 2018 along with aforesaid M.A. for condonation of delay.

4. This application has been filed under section 5 of Limitation Act but fact of the matter is that Section 5 of Limitation Act is not applicable in the instant case. However, this Bench of the Tribunal is treating this *application* under Section 21 of Administrative Tribunals Act, 1985.

5. Respondents have filed objections against this Delay Condonation Application and reply has also been filed by the applicant.

6. Counsel for the applicant has submitted that applicant was sick in the year 2010 and therefore, he could not invoke the jurisdiction of this Tribunal earlier. The Tribunal has found certain medical certificates in support of his case with Original Application.

7. Surprisingly in some of these medical certificates, dates of illness of applicant is shown of earlier year but these certificates have been obtained in the year 2018. For example, certificate issued by Doctor Unnati Kumar on 10.02.2018 says that applicant was under his treatment on 16.11.2009 and from 12.11.2010 to

04.03.2011. This certificate was not issued in the year 2011. It was obtained in the year 2018 perhaps prior to filing of this OA. Certificate does not indicate that applicant was seriously ill.

8. It is pertinent to point out that entire oral argument of counsel for the applicant is based on the ground that applicant could not pursue his legal remedy on account of his illness. However, the Delay Condonation Application does not talk much about illness. A very brief reference of illness has been made in para-3 but primarily this application is based on economic hardship allegedly faced by the applicant.

9. Law on point on delay is very clear unless the applicant is able to show a sufficient cause for invoking the jurisdiction of Tribunal or courts with reasonable grounds then merely allowing Delay Condonation Application without such causes would be violation of statutory provisions of Act. Considering all facts and circumstances, we do not believe that in Delay Condonation Application sufficient causes have been shown for condoning the delay. Therefore, M.A. No.330/834/2018 is dismissed. OA accordingly also stand dismissed. No costs.

(Ajanta Dayalan)
Member (A)

(Justice Bharat Bhushan)
Member (J)

Sushil