

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**O.A. No.60/1217/2018**

**Date of decision: 22.02.2019**

**M.A. No.60/263/2019**

...

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

...

Bhupinder Pal Singh, aged 40 years, S/o Late S. Amarjit Singh S/o Sadhu Singh, resident of H. No.748, Adarsh Nagar, PO Jawala Flour Mill, Guru Nanak Pura, Amritsar (Group C)-143001.

**... APPLICANT**

**VERSUS**

1. Union of India through its Secretary, Ministry of Defence, #101-A, South Block, New Delhi-110001.
2. The Engineer-in-Chief, Army Headquarters, Western Command, New Delhi-110001.
3. The Chief Engineer (CE), Headquarters, Western Command, Chandi Mandir, Chandigarh-134107.
4. The Commander Works Engineer (CWE), Headquarters, Jalandhar Zone, Jalandhar Cantt., Punjab-144004.
5. The Chief Engineer (CE), Headquarters, Military Engineer Services, Jalandhar Zone, Jalandhar Cantt., Punjab-144004.
6. The Chief Engineer, Military Engineer Services, Chandigarh Zone, Chandigarh-160003.
7. The Garrison Engineer-Project, Kapurthala through its Manager-144601.

**... RESPONDENTS**

**PRESENT:** Sh. Rahul Bhargava, counsel for the applicant.

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J):-**

1. M.A. No.60/263/2019 has been filed by the applicant for recalling of order dated 17.12.2018, whereby the O.A. with M.A. was dismissed in default on account of non-prosecution. For the reasons stated therein, the M.A. is allowed. The O.A. along with M.A. for condonation of delay are restored to original number and listed for hearing today itself.
2. Present O.A. has been filed by the applicant impugning the order dated 26.09.2003 (Annexure A-3), whereby his claim for appointment on compassionate grounds has been rejected.
3. Along with the O.A., applicant has moved M.A. for condonation of delay seeking condonation of 3416 days delay in filing the O.A.
4. We have heard learned counsel for the applicant.
5. Learned counsel for the applicant submitted that since order dated 26.09.2003 has been passed by an incompetent authority, therefore, the order be set aside.
6. In regard to delay, he submitted that since applicant kept submitting representations, therefore, delay be condoned and a direction be issued to the respondents to give appointment to the applicant on compassionate grounds.
7. We have gone through the pleadings available on record.
8. Admittedly, father of the applicant late S. Amarjit Singh died on 19.05.1997 and that that time, applicant was of 19 years of age. Immediately after death of his father, applicant submitted representation for appointment as LDC on compassionate grounds, which had been turned down by the respondents vide order dated 26.09.2003 (Annexure A-3). This order was not challenged by the

applicant at the relevant point of time before appropriate Court of law on the grounds available to him at that time. By filing O.A. at this stage, when he is 40 years of age, he cannot be granted appointment because appointment on compassionate grounds is not a right that he can claim at any point of time. Since he slept over the matter and did not challenge the impugned order at the relevant point of time, therefore, M.A. for condonation of delay cannot be allowed because repeated representations submitted by the applicant cannot extend period of limitation as has been held in the case of ) **S.S. Rathore vs State Of Madhya Pradesh** (1989 SCC (4) 582). Law prescribes certain bars for approaching a judicial forum. The most important of them is the bar of Limitation. Section 21 of the Administrative Tribunals Act, 1985, (for brevity 'the Act') provides this bar. It is inconceivable that a litigant may come at any time before a Court and claim adjudication of his/her grievance, thereby unsettling the matter which has already been presumed to have come to a rest. As per Section 21 of the Act an Application under Section 19 of the Act can be filed within one year from the date of cause of action, which can be extended by another six months if any statutory appeal or revision is pending. Beyond that an application for condonation of delay as provided under Section 21(3) of the Act is to be filed with sufficient cause. The delay and laches must be explained to the satisfaction of the Court for seeking condonation, which the applicant has failed to do. Our view is also fortified by judgment in the case of **Union of India & Ors. Versus M.K.Sarkar** (2010(2) S.C.C. Page 58), **Bhup Singh versus Union of India & Ors.** (1992 A.I.R. S.C. Page 1414), **C. Jacob vs. Director of Geology and Mining & Anr.** 2009 (10)

SCC 115 and **Union of India & Ors. Versus A. Durairaj** (J.T. 2011(3) S.C. Page 254.

9. Since petition has been filed by the applicant after a delay of more than 15 years and applicant has not given any plausible explanation for not approaching the Court of law at earlier point of time, therefore, we find no reason to condone huge delay of 3416 days. The M.A. for condonation of delay is therefore dismissed being devoid of merit and accordingly O.A. is also dismissed being barred by time. No costs.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

Date: 22.02.2019.  
Place: Chandigarh.

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