

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/01568/2018

Chandigarh, this the 08th day of January, 2019

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

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Harinder Singh Dhaliwal son of Sh. Mall Singh age 54 years presently working as Inspector Grade-I cum Public Prosecutor in the office of Railway Protection Force (RPF) Northern Railway, Ambala Cantt, Haryana – 133001 (Group B)

....Applicant

(Present: Mr. D.R. Sharma, Advocate)

Versus

1. Union of India through Secretary to Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi – 110001.
2. The Director, Central Bureau of Investigation, Government of India, Block No. 3, 4th Floor, CGO Complex, Lodhi Road, Delhi – 110001.
3. The Secretary, Union Public Service Commission, through the Secretary, Dholpur House, Shah Jahan Road, New Delhi – 110001.
4. The Director General, Railway Protection Force (RPF), Rail Bhawan, New Delhi – 110001.
5. The Superintendent of Police (Anti corruption Branch), O/o Central Bureau of Investigation, Sector 30-A, Chandigarh – 160030.
6. The Chief Security Commissioner-cum-Inspector General, Railway Protection Force (RPF), Northern Railway, Baroda House, New Delhi – 110001.

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Respondents

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. Applicant has sought issuance of a direction to the respondents to decide the representation dated 24.11.2013 (Annexure A-20) in a time-bound manner. He has also impugned the letter dated 05.06.2017 rejecting his representation dated 24.11.2013, letter dated 06.07.2017 (Annexure A-29 colly) and order dated 31.08.2012 (Annexure A-17).

2. Along with the O.A., the applicant has also moved an M.A. No. 060/02037/2018, under Rule 21 (3) of C.A.T. (Procedure) Rules, 1987 praying for condonation of delay of 1273 days in filing the accompanying O.A.

3. Mr. D.R. Sharma, learned counsel for the applicant very fairly submitted that the original order dated 31.08.2012 (Annexure A-17), whereby the applicant was placed back to his parent department i.e. Railway Board, on pre-mature repatriation, with immediate effect, was challenged by filing O.A. No. 994/CH/2012, wherein stay was granted, at the first instance, vide order dated 05.09.2012 by this Court, which was later on vacated vide order dated 05.09.2012, after hearing an MA filed by the respondents for vacation of stay. The O.A. was, however, dismissed as withdrawn with liberty to the applicant to file a fresh one with better particulars, vide order dated 05.03.2014.

4. Learned counsel submitted that the applicant thereafter kept making representations to the respondents to recall the order of pre-mature repatriation, and finally the respondents responded vide order dated 05.05.2017 (Annexure A-26), declining his request made in representation dated 24.11.2013, reiterating their stand. Learned counsel prayed that let notice be issued in MA and O.A. to seek reply from the respondents.

5. We have given our thoughtful consideration to the matter and are of the view that there is unexplained huge delay in filing the O.A., which cannot be condoned. The applicant was repatriated pre-maturely vide order dated 31.08.2012. Though the applicant approached the Tribunal in the year 2012 itself by filing O.A. No. 994/CH/2012, but the same was dismissed as withdrawn with

liberty, to file a fresh O.A., with better particulars, vide order dated 05.03.2014. Thereafter, instead of approaching the Court, he kept on making representations to the respondents to recall the order dated 31.08.2012 of his pre-mature repatriation, which cannot be a ground to condone the huge delay of 1273 days in filing the present O.A. Non-challenge of any adverse order gives a signal that it has been accepted and the person concerned has no grievance against it. The applicant has failed to explain any justifiable ground to condone the inordinate delay. The MA for condonation of delay is dismissed.

6. Accordingly, the O.A. is dismissed, in limine, being time-barred.

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

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

Dated: 08.01.2019