

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**MA/21/310/2019 in
OA/21/369/2019 &
OA/21/369/2019**

Dated: 12/04/2019

Between

Dr. Y. Babji,
S/o. late Y. Madhava Rao,
Aged 52 years, Occ: Principal Scientist
in National Research Center on MEAT,
Hyderabad R/o. Hyderabad.

... Applicant

AND

1. The Union of India rep. by its
Secretary, Ministry of Agriculture,
Indian Council of Agriculture and Research
(ICAR), Krishi Bhavan,
Dr. Rajendra Prasad Road,
New Delhi.
2. The Indian Council of Agriculture & Research
rep. by its Director General (ICAR),
Krishi Bhavan, Dr. Rajendra Prasad Road,
New Delhi.
3. The Secretary,
Indian Council of Agriculture and Research,
Krishi Bhavan, Dr. Rajendra Prasad Road,
New Delhi.
4. The Director,
National Research Center on MEAT,
Chengicherlla, Hyderabad.
5. Dr. V.V. Kulakarni,
Professor, Dept. of Live Stock Products,
Technology (Meat Science),
Veterinary College and
Research Institute, Namakkal ó 637 002,
Tamil Nadu State.

... Respondents

Counsel for the Applicant : Mr. Ch. Srinivas
Counsel for the Respondents : Mr. V. Vinod Kumar, Sr. CGSC

CORAM :

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mrs. Naini Jayaseelan, Admn. Member

ORAL ORDER

(Per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman)

The present MA is filed with a prayer to condone the delay of 1169 days in re-submitting the O.A.

2. The O.A. is filed challenging the impugned order dated 11.12.2014, in which the competent authority refused to upgrade the APAR of the applicant for the period from 01.04.2013 to 31.03.2014. The O.A. was returned with certain objections on 22.12.2015. In the affidavit filed in support of the present MA it is stated that the unmarried sister of the applicant fell sick for some time and thereafter he had to pursue the proceedings pertaining to his transfer and accordingly the O.A. was not re-submitted within time.

3. We heard Sri Ch. Srinivas, learned counsel for the applicant and Sri V. Vinod Kumar, learned Senior Standing Counsel appearing for the respondents, and perused the entire record.

4. The delay is enormous and it needs valid explanation. The issue needs to be examined from the point of view of the requirement that the O.As are required to be filed within one year from the date on which the cause of action has arisen.

5. One can understand if the O.A. was returned and the applicant was not aware of it, on account of being transferred to a distant place. He was very much available at Hyderabad, pursuing remedies in relation to his transfer. It appears that he preferred to be in Hyderabad without salary than being moved out. When such is his preference to remain in Hyderabad, and when he was pursuing his remedies so regularly and rigorously in Hyderabad, it is just unbelievable that he was not aware of the return of the O.A. The very purpose of stipulation of Limitation u/S 21 (1)(a) of Administrative Tribunals Act would be defeated, if delay of years together is condoned, in the context of re-presentation. We are not inclined to condone the delay. MA is accordingly dismissed. Consequently, the O.A also shall stand dismissed. There shall be no order as to costs.

(NAINI JAYASEELAN)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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