

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

MA 4541/2018
OA 4086/2018

Reserved on: 22.04.2019
Pronounced on: 25 .04.2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr.S.N.Terdal, Member (J)

N.T. Sherpa (Aged about 65 years)
Storeman (Retired) Group 'C'
S/o Late Sh. Ajibha Sherpa,
R/o House No. 7, 1, Safdarjung Lance,
New Delhi-110001.

... Applicant

(By Advocate: Mr. B.L.Wanchoo)

VERSUS

1. Union of India through
Secretary,
Ministry of External Affairs,
Jawahar Nehru Bhawan, Janpath,
New Delhi.
2. The Deputy Chief of Protocol
Ministry of External Affairs,
Jawahar Nehru Bhawan, Janpath,
New Delhi.

... Respondents

(By Advocate: Mr. Manjeet Singh Reen)

ORDER

Hon'ble Mr. S.N.Terdal, Member (J):

MA 4541/2018

We have heard Mr. B.L.Wanchoo, counsel for applicant and Mr. M.S. Reen, counsel for respondents.

2. This Miscellaneous Application (MA) is filed for condoning the delay of 7 years and 8 months on the alleged cause of action of not promoting the applicant on 31.01.2011 as Head Storesman though he was fulfilling all the requirements for promotion and he retired without promotion on

31.12.2013. He has filed this application for condonation of delay on the ground that he had undergone open heart surgery in 2000, brain hemorrhage in 2014 and was again hospitalized from 23.02.2014 to 22.03.2014 and he has been presently under the treatment of cardio specialist and that he made three representations dated 21.11.2013, 23.12.2013 and 23.05.2014, in spite of the above said representations he was not promoted.

3. The respondents have filed counter reply strenuously contending that the above stated grounds are not sufficient grounds for condoning the delay and laches on the part of the applicant, particularly as he had not given day to day explanation for delay. In support of their contention, the respondents have relied upon the law laid down by the Hon'ble Supreme Court in the cases of **UOI & Ors Vs. A. Durairaj (dead) by LRs** (JT 2011 (3) SC 254) and **Union of India Vs. M.K.Sarkar** (2010 (2) SCC 58).

4. In view of the facts and circumstances narrated above, we are of the view that the applicant has not given sufficient grounds for condonation of delay of 7 years and 8 months and in view of the law laid down by the Hon'ble Supreme Court referred to above in the counter affidavit of the respondents, we dismissed the M.A. Consequently, the OA is also dismissed. No order as to costs.

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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