

Central Administrative Tribunal, Principal Bench

Original Application No.2211 of 2003

New Delhi, this the 10th day of September, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman  
Hon'ble Mr. R.K. Upadhyaya, Member (A)

S.K. Sircar,  
B-126, B.K. Dutt Colony,  
Lodi Road,  
New Delhi-3

.... Applicant

(Appeared in person)

Versus

Principal  
College of Art  
Directorate of Training & Technical Education  
Govt. of NCT of Delhi,  
20-22, Tilak Marg,  
New Delhi-1

.... Respondents

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

The applicant, by virtue of the present application, seeks setting aside of the order compulsorily retiring him dated 31.8.87. As a consequence, he seeks arrears of pay besides pension.

2. The basic facts can be delineated. The applicant was served with an order of premature retirement on 31.8.87. He was simultaneously tried in a court of competent jurisdiction. On 7.4.2001, the court has acquitted the applicant from the charges. The applicant had represented and on 12.12.2002, O.A.3241/2002 was disposed of directing the representation of the applicant to be decided. The said representation has since been rejected on 3.4.2003.

3. We had put to the applicant the fact that the

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application is barred by time because the order was passed on 31.8.87. The applicant contends:

(a) the order acquitting him on 7.4.2001 gives him a cause because controversy was the same; and

(b) this Tribunal had directed on 12.12.2002 that representation be decided and, therefore, the application should be taken to be within time.

4. On careful consideration of the matter, we find that the application must be held to be barred by time. Reasons are obvious.

5. In the criminal trials, the proof beyond all reasonable doubts is required. Departmental proceedings are held and continued and matters are decided on basis of the material on record without adhering to the principles applicable in criminal trials referred to above. Acquittal necessarily, therefore, will not imply that departmental action could not be taken.

6. It is true that after the acquittal, the applicant represented and this Tribunal on 12.12.2002 directed the representation to be decided but the order passed does not extend the period of limitation. Once the period of limitation starts running, unless by virtue of certain provisions which may extend the same, it will come

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to an end. In the present case, the limitation period had expired long back and therefore, even in the absence of any application seeking condonation of delay, there is no ground to interfere.

7. Resultantly, the application fails on this short ground and is dismissed in limine.

Upadhyaya

( R.K. Upadhyaya )  
Member (A),

Aggarwal

( V.S. Aggarwal )  
Chairman,

/dkm/