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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A.No.2409/2003
M.A.No.2067/2003

Monday, this the 29th day of September, 2003

Hon'ble Shri Justice V.S.Agarwal, Chairman
Hon'ble Shri S. K. Naik, Member (A)

Shri Vipin Kumar Ex Constable
Delhi Police r/o Village Khanpur
PO Gutrada PS Babari Distt. Mzafar Nagar
(UP)

...Applicant.

(By Advocate: Shri Satpal Singh)

Versus

1. Commissioner of Police
Delhi Police Head Quarter,
Delhi
2. Addl. Commissioner of Police
Delhi (South Range) Police Head Quarter
Delhi
3. Deputy Commissioner of Police
West District,
New Delhi

..Respondents

O R D E R (ORAL)

Justice V.S.Agarwal:

The applicant was a Constable in Delhi Police. On 6.9.2000, he resigned from Delhi Police on account of some personal problems. Thereafter, on 1.2.2001, he submitted an application to respondent No.3 to recall the letter of resignation sent by him. On 29.3.2001, the request submitted by the applicant had been rejected. By virtue of the present application, the applicant seeks quashing of the said order with a direction to re-list him with consequential benefits.

2. Along with the application, a petition has been filed (MA-2067/2003) seeking condonation of delay in

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filling the application. The applicant pleads that his wife was suffering from some kind of stomach disease and was under constant medical observations. She was operated and thereafter the applicant suffered from depression and certain gastroenterological disease and was under medical treatment. Therefore, the applicant seeks that delay may be condoned.

3. We do not dispute the proposition that if a person is prevented by just and sufficient grounds in not filing the petition in the facts of a particular case delay can be condoned.

4. Can in the present case we state that the said reasons are forthcoming? The answer would be in the negative. The applicant has placed on the record the photo-copies of medical certificates pertaining to his wife. They all pertained upto September, 2002. During the course of submissions, learned counsel for applicant has produced certain medical certificates pertaining to the applicant himself. They also pertained to the period from May to July, 2002. Once the period of limitation starts running, it will not come to an end unless the law permits otherwise. In the present case before us, the period of limitation started running when the request of the applicant was rejected. Even if the applicant and his wife were unwell for sometime, there is no ground as to why the applicant did not prefer any petition for more than a year thereafter. Each day's delay as required under law has not been explained. Resultantly, we find

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that there is no ground to condone the delay. MA-2067/2003 must fail. Resultantly, OA also fails and is accordingly dismissed.

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~~Naik~~
(S.K. Naik)

Member (A)

/sunil/

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(V.S. Aggarwal)
Chairman