

(2005) 11 MAD CK 0036
In the Madras High Court
Case No : Writ Petition No. 12269 of 2002

A. Selvaraj

APPELLANT

Vs

The Central Administrative Tribunal, Chennai Bench and
Others

RESPONDENT

Date of Decision : 24-11-2005

Acts Referred:

Administrative Tribunals Act, 1985 — Section 21
Central Administrative Tribunal (Procedure) Rules, 1987 — Rule 17

Citation : (2005) 11 MAD CK 0036

Hon'ble Judges : S.K. Krishnan, J;P. Sathasivam, J

Bench : Division Bench

Advocate : V. Ramasubramanian, for the Appellant; P. Wilson, Addl. Central Govt. Standing Counsel for R2 to R6, for the Respondent

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—Aggrieved by the orders of the Central Administrative Tribunal, Chennai, in M.A.No. 496 of 2001 and R.A.No. 32 of

2001, dated 23.8.2001 and 30.10.2001 respectively, the petitioner has filed the above writ petition to quash those orders and issue a direction to

the Tribunal to take up the main Application and dispose of the same in accordance with law and on merits.

2. Heard learned counsel for the petitioner as well as the contesting respondents-2 to 6.

3. It is seen that originally, the petitioner filed O.A.No. 838 of 1 999 before the Central Administrative Tribunal, Chennai Bench, to quash the

proceedings in C.No. II/9/8/94-M.20 (Admn.), dated 24.03.1999, and also for a direction to the respondents to expunge the adverse remarks

contained in ACR in C.No. 11/9/794CP/515. The said Original Application No. 838

of 1999 came to be dismissed as withdrawn on 22.9.2000

with liberty to file a fresh Original Application on the ground of changed circumstances. The petitioner filed a subsequent Application in M.A. No.

496 of 2001 to condone the delay of 324 days in filing the fresh Original Application. In the affidavit filed in support of the said Application, it is

stated that due to transfer from Nagapattinam to Pattukottai and in view of other engagements in duty as well as personal works, the applicant

could not file the fresh Original Application in time. It is also stated that the delay of 324 days is neither wilful nor wanton. The Tribunal, by order

dated 23.8.2001, after finding that there is no sufficient ground to condone the delay, dismissed the said Application. The petitioner has also filed a

Review Application in R.A. No. 32 of 2001 on 03.10.2001, which was also dismissed by the very same Bench on 30.10.2001. Challenging these

orders, the petitioner has filed the above Writ Petition.

4. Learned Additional Central Government Standing Counsel appearing for the Department, by drawing our attention to the provisions relating to

limitation, namely, Section 21 of the Administrative Tribunals Act, 1985, initially contended that in the absence of sufficient materials/cause, the

Tribunal is justified in dismissing the condonation petition. He also contended that in view of Rule 17 of the Central Administrative Tribunal

(Procedure) Rules 1987, the Review Application filed by the applicant on 3.10.2001 is also hopelessly barred by limitation, in any event, the

Tribunal has rightly dismissed the said Petition. According to him, in view of the statutory bar, as mentioned in the above referred provisions, the

Tribunal is fully justified and there is no valid ground for interference.

5. It is not in dispute that the Original Application, namely, O.A. No. 838 of 1999, was dismissed as withdrawn on 22.9.2000. No doubt, the

applicant was given liberty to file a fresh Original Application and it is not in dispute that he had filed subsequent Original Application with a delay

of 324 days. The only reason given by him is that due to his transfer from Nagapattinam to Pattukottai and also because of his personal works, he

could not file the fresh Original Application in time. As rightly pointed out, having obtained liberty to file fresh Original Application, it is but proper

for the applicant to have approached the Tribunal within the prescribed period. The fact remains, the applicant not only failed to file the fresh

Original Application within the time but also failed to furnish sufficient cause for not making the application within the prescribed period. The

counsel appearing for the contesting respondents is also right in pointing out that the Review Application filed by the applicant is also hit by Rule 17

of the Central Administrative Tribunal (Procedure) Rules, 1987.

6. Looking at any angle, in the absence of sufficient cause, we are of the view that the orders passed by the Tribunal cannot be faulted with and

there is no valid ground for interference. Writ Petition fails and the same is dismissed.