

(2020) 01 CAT CK 0020

In the Central Administrative Tribunal

Case No : Original Application No. 3025 Of 2018

Arun Kumar Verma

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 10-01-2020

Acts Referred:

Central Civil Service (Leave) Rules, 1972 — Rule 34, 39(6)(a)(iii)

Citation : (2020) 01 CAT CK 0020

Hon'ble Judges : Aradhana Johri, Member (A)

Bench : Single Bench

Advocate : Padma Kumar S., Hanu Bhaskar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicants are working as Assistant Electrical Inspectors in the Delhi Administration. It is also stated that they are holding the post of Deputy Electrical Inspector on ad hoc basis and are drawing the salary attached to that post. In the context of regular promotion to that post, they made a representation on 24.12.2012. The reply was given on 13.02.2013, stating that the next vacancy is earmarked for SC category and the request of the applicant cannot be acceded to. This OA is filed, challenging the reply dated 13.02.2013.

2. Since there is a delay of about 1023 days in filing the OA, the applicant filed MA No. 3003/2019 under Section 21(3) of the AT Act, 1985 read with Section 5 of the Limitation Act. The applicants contend that they did not pursue the remedy, expecting some positive consideration from the respondents, and they have decided to file the OA when nothing is forthcoming. The notice was ordered only in the MA.

3. Respondent No.1 filed a counter affidavit, opposing the MA. It is stated that the case of the applicant is under consideration and the OA cannot be entertained at this stage.

4. Respondent No.2, a private respondent, filed a counter affidavit, stating that delay cannot be condoned and the reasons stated therein are totally unacceptable.

5. We heard Sh. DS Chaudhary, learned counsel for the applicants and Shri Atul Kumar & Sh. MK Bhardwaj, learned counsel for the respondents 1 and 2 respectively.

6. The delay is, indeed, enormous. However, taking note of the statement made on behalf of the 1st respondent in Para 3 of the counter affidavit that the plea raised by the applicant is under consideration, learned counsel for the applicants sought permission of the Tribunal to withdraw the MA as well as OA. Permission is accorded.

7. The MA and OA are dismissed as withdrawn. It is needless to mention that it shall be open to the applicants to pursue the remedies, if they are not satisfied with the outcome of the consideration of the case by the respondents.

Pending MA, if any, shall also stand disposed of.

There shall be no order as to costs.