
(2022) 12 CAT CK 0031

In the Central Administrative Tribunal

Case No : Miscellaneous Application No. 726 Of 2022 In Original Application No. 180, 00146 Of 2022

K.J. Doliamma

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 22-12-2022

Acts Referred:

Citation : (2022) 12 CAT CK 0031

Hon'ble Judges : K. Haripal, Member (J); K.V. Eapen, Member (A)

Bench : Division Bench

Advocate : Manu Govind, V.A. Shaji

Judgement

K. Haripal. Member (J)

1. This is an application for condoning the delay in filing the Original Application. The applicant is aggrieved by the delay in granting promotion to the post of HSG-II. According to her, she is eligible to be promoted to the post from 2014 onwards. Due to the denial of such a benefit she had lost consequential benefits including two consequential promotions.

2. When came up for admission, the Tribunal had asked her to give her explanation for the delay in approaching the Tribunal. According to her, when she was denied promotion, she had promptly given Annexure-A3 representation seeking promotion to HSG-II retrospectively. Thereafter, she had given two more representations, meanwhile, retired on 29.02.2021 during the peak of Covid pandemic. She was under the bonafide belief that her representations would be considered before retirement. So the delay is sought to be condoned.

3. It requires to be stated that she has not estimated the extent of the delay. Even though an objection was filed by the respondents in the M.A. as well as in the O.A., there is no mention in the objection regarding the averments in the application for condonation of delay.

4. We heard the learned counsel for the applicant as well as the learned Standing Counsel. The learned Standing Counsel has opposed the application. The learned counsel has invited our pointed attention to Annexures-A3 to A5 representations. Annexure-A3 was tendered on 28.06.2018 followed by Annexures-A4 and A5 representations dated 17.12.2018 and 28.03.2019 respectively. She retired from service on superannuation on 29.02.2021. Covid pandemic period from 15.03.2020 till 28.02.2022 is liable to be excluded for the purpose of limitation, as held by the Apex Court.

5. Even though we are not very much convinced of the reasons tendered for the delay, it is always appropriate to give a finality to the proceedings, on merits. Moreover, it has come out that the applicant had been pursuing the grievance by giving representations at regular intervals. Considering all these aspects, we are inclined to entertain the Original Application and dispose the same on merits.

Delay is condoned. The O.A. will be posted for final hearing on 17.02.2023.