

(2018) 09 CAT CK 0030

In the Central Administrative Tribunal

Case No : Miscellaneous Application No. 1585 Of 2018, Original Application No. 3934 Of 2014

Om Prakash

APPELLANT

Vs

Chairman-cum-Managing Director

RESPONDENT

Date of Decision : 27-09-2018

Acts Referred:

Citation : (2018) 09 CAT CK 0030

Hon'ble Judges : V. Ajay Kumar, J;A.K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : S.N. Sharma

Final Decision : Allowed

Judgement

V. Ajay Kumar, J

1. MA No.1585/2018 is filed seeking condonation of delay of 13 years 3 months in filing the OA.

2. The applicant, an Ex-Conductor in the respondent-Delhi Transport Corporation, filed the OA seeking the following reliefs:-

"(i) Quash the termination order dated 2001 and thereby further directing the respondents to reinstate the applicant in service w.e.f May, 2001 when the applicant was stopped to perform his duty.

(ii) Direct the respondents to pay all the back wages w.e.f. May, 2001 with all consequential benefits with 18% interest till its realization.

(iii) Direct the respondent to pay the litigation cost under the abovesaid circumstances.

(iv) Pass any other order or orders as deemed fit and proper in the facts and circumstances of the case may also be passed in favour of the applicant".

3. In short, the applicant filed the OA challenging his termination from service done way back in the year 2001.

3. Heard Shri S.N. Sharma, learned counsel for the applicant in the instant MA.

4. It is the case of the applicant that though his services were terminated in the year 2001 and since no order of termination was served on him, he could not file the OA till the year 2014. It is further submitted that in the year 2002, the father of the applicant died and his mother also expired in 2004 and his wife has gone in depression and it is also submitted that some of his other relatives also died during the said period.

5. In spite of service of notice and availing substantial time, the respondent has not chosen to file any counter in the instant MA.

6. Though the delay is substantial, however, in the circumstances and for the reasons mentioned therein and in the interest of justice, and condonation of delay does not affect the rights of any other individual employee, adversely, the delay in filing the OA is condoned, and accordingly the MA is allowed, however, subject to payment of cost of Rs.3000/- (Rupees Three Thousand Only) to be paid to the Kerala Chief Minister's Distress Relief Fund within 3 weeks.

7. On payment of the same, list the OA under the appropriate caption on 23.10.2018 since the pleadings are already complete.