

(2014) 11 AHC CK 0223

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 58113 of 2014

Ramesh Chandra

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 03-11-2014

Acts Referred:

Administrative Tribunals Act, 1985 — Section 20, 21

Citation : (2014) 10 ADJ 540

Hon'ble Judges : Virendra Vikram Singh, J; Dilip Gupta, J

Bench : Division Bench

Advocate : Mukesh Kumar, Advocate for the Appellant; Sudheer Bharti, Advocate for the Respondent

Judgement

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1. Original Application No. 330 of 2014 filed by the petitioner before the Central Administrative Tribunal, Allahabad Bench, Allahabad (the Tribunal) has been rejected by the order dated 30 May 2014 for the reason that satisfactory explanation had not been given by the applicant to explain the inordinate delay in approaching the Tribunal. The Tribunal, after noticing the contention of the petitioner that he was not granted promotion from the post of Assistant Diesel Driver to that of Shunter in 1997 though persons junior to him had been promoted and that the petitioner had filed a representation to raise this grievance in 2003 and then in 2007, found that the Original Application was filed before the Tribunal only in 2014 without offering any satisfactory explanation for the enormous delay in approaching the Tribunal.

2. Section 21 of the Administrative Tribunal, 1985 deals with limitation and is as follows:

"21. Limitation--(1) A Tribunal shall not admit an application,--

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of Section 20 has been made in connection with the grievance unless the

application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of Section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.

(2) Notwithstanding anything contained in sub-section

(1), where--

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court,

the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of subsection (1) or, as the case may be, the period of six months specified in subsection (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period."

3. All that has been stated by the learned counsel for the petitioner to explain the enormous delay is that the petitioner had been filing representations. This, in the opinion of the Tribunal, was not a sufficient explanation for approaching the Tribunal with such inordinate delay. We agree with the reasoning given by the Tribunal for not accepting the explanation offered by the petitioner to explain the delay. The petitioner was not granted promotion in the year 1997. The Original Application was filed in 2014 and the only explanation that was offered was that representations had been filed during this period. Such a long delay cannot be explained by merely stating that representations had been filed. The Tribunal, therefore, committed no illegality in rejecting the Original Application filed by the petitioner.

The writ petition is, accordingly, dismissed.