

(2022) 12 CHH CK 0006
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 5399 Of 2022

U.N. Iyengar

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 02-12-2022

Acts Referred:

Citation : (2022) 12 CHH CK 0006

Hon'ble Judges : Arup Kumar Goswami, CJ; Sanjay Agrawal , J

Bench : Division Bench

Advocate : Vikram Dixit, Ramakant Mishra

Final Decision : Dismissed

Judgement

Arup Kumar Goswami, CJ

1. Heard Mr. Vikram Dixit, learned counsel for the petitioner. Also heard Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for the respondents.

2. This writ petition is filed challenging the order dated 16.09.2021 passed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting, Bilaspur (for short, the Tribunal) in Original Application No.203/00631/2021, dismissing the original application not only holding the same to be barred by limitation but also being devoid of merit.

3. The petitioner retired from service on 30.06.2010 while serving as Instructor (ST) / MDTC.

4. Contending that the petitioner was entitled to one increment for the purpose of pensionary benefit, a representation was filed on 20.01.2020 and the said representation having not been decided, approach was made to the Tribunal.

5. The Tribunal had passed the following order:

"This Original Application has been filed by applicant aggrieved by the inaction on

the part of the respondents in not granting one more increment for the purpose of pensionary benefit as the applicant stood retire on 30.06.2010.

2. Learned counsel for the respondents submits that this is a stale matter as the applicant stood retired in 2010.”

3. We have considered the matter and perused the whole Original Application. It is crystal clear that the applicant stood retire on 30.06.2010 and thereafter the applicant did not raise the issue. Now, by filing this Original Application, the applicant seeks grant of one increment on his superannuation on 30.06.2010. There is no application for condonation of delay and this Original Application has been filed after a lapse of 11 years, without explaining any delay and also without making any plausible grounds in the Original Application. Hence, this Original Application is not only barred by limitation but also devoid of merit.

4. Accordingly, this Original Application is dismissed in limine at the stage of admission itself. No order as to costs.

6. It is contended by Mr. Dixit that the Tribunal ought not to have dismissed the application both on the ground of delay and on merit; at best, it could have dismissed the application on either of the two grounds and therefore, the order of the Tribunal is bad in law.

7. What is evident is that the issue of grant of one increment was raised after 10 years of retirement of the petitioner before the Tribunal, that too, without any explanation for delay. In that circumstance, the application clearly suffers from gross delay and therefore, it was not necessary for the Tribunal to comment that application was without any merit, that too, without any discussion, in one sentence. However, that will not alter the final outcome as we have also concurred with the finding of the Tribunal that the petition suffers from gross delay in agitating the issue. We, however, observe that the application before the Tribunal shall be treated to have been dismissed on the ground of delay alone.

8. In that view of the matter, the writ petition is dismissed.