

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5627/2015

(Sumat Lal Chicham s/o Late Alam Chicham vs. Union of India and another)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders
.....

Court's or Judge's order

Shri C.L.Deharia, Advocate for the petitioner

CORAM : **SMT. VASANTI A. NAIK &**
A.I.S. CHEEMA, JJ.

DATED : **29th October, 2015.**

Heard.

By this petition, the petitioner impugns the order of the Central Administrative Tribunal Nagpur, dated 23.09.2014, dismissing the Original Application filed by the petitioner, on the ground that it was barred by limitation.

On hearing the learned counsel for the petitioner and on a perusal of the impugned order and the application for condonation of delay, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. By the Original Application, the petitioner had challenged the order of his removal from service, dated 30.7.2003, by filing the Original Application, on 1.3.2014. The Tribunal found that there was inordinate delay in filing the

Original Application and the same was hopelessly barred by time. The application filed by the petitioner for condonation of delay was dismissed as it was *sans* merit. We do not find any illegality in the order of the Tribunal, as the petitioner had approached the Tribunal more than ten years after the date of his removal. The petitioner had not sufficiently explained the delay by the application for condonation of delay. It is merely stated in the application that the petitioner was under the treatment of his Doctor from 2004 to May 2014 for internal disease. It was stated in the medical certificate of the petitioner that the petitioner was suffering from arthritis and peptic ulcer intermittently from June, 2004 till the date of issuance of the certificate, dated 2.5.2014. On a reading of the certificate, it is clear that the petitioner was not continuously suffering from arthritis and peptic ulcer but was intermittently suffering from the said problem, during those ten years. The Tribunal rightly held that the petitioner had failed to explain the inordinate delay of ten years in filing the Original Application.

Since the order of the Tribunal is just and proper, the Writ Petition is dismissed, with no order as to costs.

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