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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12112/2015**

% *Date of Judgment : 08.01.2016*

SHRI KISHAN SINGH VERMA Petitioner
Through : Mr. Sachin Chauhan, Advocate.

Versus

DELHI DEVELOPMENT AUTHORITY Respondent
Through : None.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

1. Challenge in this writ petition is to the order dated 30.10.2012 passed by the Central Administrative Tribunal by which the O.A. filed by the petitioner herein was dismissed and also to the order dated 23.01.2015 by which the Review Petition was dismissed.
2. The petitioner had approached the Central Administrative Tribunal ('Tribunal' for short) being aggrieved by the order No. F2(37)79/PB-II/Pt.541 dated 16.05.1997 passed by the Commissioner (Personnel), DDA imposing penalty of stoppage of next increment for two years without cumulative effect upon the petitioner and the order No. F.2(37)79/PB-II/Pt./2012 dated 30.06.2011 passed by the Appellate Authority rejecting his appeal against the said order.
3. The respondent had raised a preliminary objection before the Tribunal that the O.A. was hopelessly barred by limitation as the petitioner had

sought to challenge the order dated 16.05.1997.

4. Learned counsel for the petitioner submits that the Tribunal has erred in disposing the O.A. on the ground of limitation as the limitation would commence from 03.06.2011 when the statutory appeal filed by the petitioner was rejected. Learned counsel has also drawn the attention of the court to a copy of the appeal filed by the petitioner wherein a specific plea had been raised that petitioner had not received a copy of the order imposing the penalty upon him and while deciding the appeal, the Appellate Authority has failed to return any finding in this regard and deciding the statutory appeal on merits.
5. While we find the arguments of learned counsel for the petitioner to be rather attractive but unfortunately there are no merits in the same in view of the fact that before the Tribunal the DDA had made a categorical assertion that an attempt was made to serve the order dated 16.05.1997 upon the petitioner through a special messenger Sh. Gobind Sharma, LDC, PB-II but the petitioner refused to acknowledge the same and thereafter the order was sent to him by Registered Post. The acknowledgment of the said Registered Post was placed on record as Annexure R-1 of the counter reply. Based on this submission and copy of the acknowledgment having been placed on record and while relying on the case of ***Sajjan Singh Grewal, Vs. Delhi Transport Corporation & Others***, 2011 IX AD 1975, the Tribunal rejected the O.A.
6. It has been repeatedly held that neither the representations nor the appeals filed beyond the period of limitation would extend the plea of limitation. In the present case having regard to the fact that the order

of penalty was duly served upon the petitioner even if petitioner filed the statutory appeal was dismissed in 2011 and in the order so passed limitation was not considered, limitation would not be extended. Filing a statutory appeal after 13 years can not extend the period of limitation.

7. We find no merits in this petition. The same is accordingly dismissed.
No costs.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 08, 2016

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