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

+ **W.P.(C) 8995/2017**

UMRAO SINGH

..... Petitioner

Through Mr. Archana Gaur, proxy counsel.

versus

COMMISSIONER OF POLICE AND ANR

..... Respondent

Through Mr. Devesh Singh, ASC with Ms.
Neelam Kholiya, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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13.10.2017

C.M NO.36818/2017(exemption)

Exemption allowed, subject to all just exception.

The application stands disposed of.

W.P.(C) 8995/2017

Issue notice. Mr.Devesh Singh, counsel for the respondents
accepts notice.

In view of the short issue raised in the present petition, we
proceed to dispose of the same at this stage. The petitioner has
preferred the present writ petition to assail the orders dated
27.03.2017 and 02.05.2017 passed by Central Administrative
Tribunal, Principal Bench, New Delhi in O.A No.649/2016 and R.A.

No.109/2017 in the aforesaid Original Application.

The Tribunal has dismissed the Original Application as well as the application moved by the Petitioner to seek condonation of delay in filing the Original Application i.e. M.A No.630/2016 by the first order. Review Application was also dismissed by the second order.

The petitioner had moved the aforesaid M.A. No.630/2016 to explain the delay in filing the Original Application which was about three months. The reason given by the petitioner was that the cause of action had arisen on 03.11.2014. The petitioner was sent for promotional training between 16.08.2015 to 21.11.2015 and thereafter he got busy in his son's marriage which was scheduled on 12.12.2015 and, therefore, he could prefer the Original Application only on 10.02.2016.

The Tribunal did not find the said explanation to be convincing and satisfactory. The learned counsel for the respondents does not dispute the fact that the explanation furnished by the petitioner appears to be sufficient and reasonable. The date on which the limitation expired fell during the period when the petitioner was on promotional training. Thereafter, his son's marriage was scheduled on 12.12.2015. The delay in any event was not so gross as to warrant dismissal of the Original Application on that account.

Accordingly, the impugned orders are set aside and the delay in filing the Original Application stands condoned. The Original Application is remanded back to the Tribunal for hearing on merits. The parties shall appear before the Tribunal on 13.11.2017.

The petition stands disposed of in the above terms.

No further notice shall be required to be given by the petitioner

VIPIN SANGHI, J

REKHA PALLI, J

OCTOBER 13, 2017/ saurabh