

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.6858 of 2018.

Date of Decision: May 10, 2018

Davinder Singh

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SHEKHER DHAWAN.

Present: Mr.Gurmandeep Singh Sullar, Advocate, for the petitioner.

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Surya Kant, J. (Oral)

The petitioner is aggrieved by the order dated 15.12.2017 whereby the Central Administrative Tribunal, Chandigarh Bench has dismissed his Original Application on the ground of limitation as it was barred by 760 days.

[2] The facts are broadly admitted.

[3] The petitioner joined Northern Railways on 06.05.1975 and retired from the post of Office Superintendent w.e.f. 30.04.2013 on attaining the age of superannuation. A month after his retirement, the petitioner was given show-cause notice that while preparing the pension papers, it was found that the benefit of MACP was wrongly granted to him w.e.f. 01.09.2008. The petitioner filed objections-cum-reply to the said show-cause notice which did not find favour with the Competent Authority. Consequently, recovery of Rs.64,665 was effected from the retiral benefits of the petitioner towards excess payment of MACP w.e.f. 01.09.2008 till March, 2014.

[4] The petitioner chose to challenge the above-stated recovery

order or the action of re-fixation of his MACP by way of OA filed in the year 2017. He applied for condonation of 760 days' delay on the plea that he could not approach the Tribunal on time for want of sufficient means. The Tribunal has declined to accept the application for condonation of delay vide the impugned order.

[5] We have heard learned counsel for the petitioner at a considerable length and gone through the record.

[6] It is undeniable that the petitioner received sufficient financial benefits at the time of retirement and it cannot be said that he had no means to approach the Tribunal immediate after March, 2014. There was no change of circumstances in April 2017 when he eventually filed the OA. The fact that the petitioner received the recovery order is also undisputed as he had filed reply to the show-cause notice and recovery was duly effected from his retiral benefits. It was thus in his knowledge that the impugned action had been taken against him in March/April, 2014.

[7] In the light of the inordinate delay in approaching the Tribunal, no fault can be found with the impugned order declining the petitioner's application for condonation of delay. There is thus no merit in the instant writ petition.

[8] Dismissed.

[SURYA KANT]
JUDGE

May 10, 2018
mohinder

[SHEKHER DHAWAN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No