

\$~17.

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

+ **W.P.(C) 6528/2019**

MAHENDER SINGH

..... Petitioner

Through: Mr. A.K. Bhardwaj, Advocate.

versus

DELHI TRANSPORT CORPORATION & ANR. Respondents

Through: Ms. Avnish Ahlawat, Ms. Ankita Ahuja, Ms. Palak Rohmetra & Ms.Sakshi Shairwal, Advocates for DTC.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

%

31.05.2019

C.M. No. 27591/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 6528/2019

The petitioner is aggrieved by the order dated 08.02.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (CAT/ Tribunal) in O.A. No.4393/2017. The Tribunal has dismissed the said Original Application of the petitioner on the ground that it was barred by limitation.

The petitioner was proceeded against departmentally and he was

subjected to punishment of being brought to the initial stage of his basic pay vide order dated 26.02.2013. The petitioner preferred a departmental appeal, which too was rejected vide order dated 26.03.2013. It appears that the petitioner thereafter made further representations, which too were rejected.

The petitioner preferred the Original Application only in the year 2017. The petitioner filed an application to seek condonation of delay in filing the Original Application. The Tribunal has not found merit in the same and, consequently, the impugned order has been passed.

The submission of Mr. Bhardwaj is that the respondents have themselves stated in their reply to the application seeking condonation of delay before the Tribunal that the petitioner's appeal was rejected by the worthy Managing Director on 21.10.2015 and the same was rejected and was informed to the petitioner on 14.01.2016. According to the petitioner, if the limitation were to be computed from the said date, the Original Application was not barred by limitation.

We do not find any merit in this submission since, after dismissal of the appeal on 26.03.2013, it was open to the petitioner to approach the Tribunal, which he failed to do. Merely because the petitioner made representations and the same came to be rejected in the year 2015-16, would not give him a fresh cause of action.

Mr. Bhardwaj has submitted that the Tribunal has not bestowed its consideration on the application filed by the petitioner to seek condonation of delay. We find the said application to be quite vague and non-specific and, accordingly, we do not find any merit in this submission of the petitioner.

We find no merit in this petition and dismiss the same.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MAY 31, 2019
B.S. Rohella