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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4004/2003

RAGHVENDRA KUMAR KANSAL

..... Petitioner

Through: Counsel for Petitioner (presence not given)

versus

THE DIRECTOR, INTELLIGENCE BUREAU (MHA) Respondent

Through: Mr Nikhil Goel, Standing Counsel
with Mr Dushyant Sarna and Mr
Vinay Mathew, Advocates

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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17.02.2020

CM APPL. 6345/2020 (restoration)

1.This is an application seeking the restoration of the main writ petition which was dismissed for non-prosecution on by this Court on 15th January, 2020.

2.The order impugned in the writ petition has been passed by the Central Administrative Tribunal ('CAT') way back on 23rd October, 2002, which reads as under:

“Shri Raghuvendra Kumar Kansal appears in person. While the applicant was functioning as JIO and was transferred, it is alleged that he continued to remain absent from duty w.e.f. 1.11.1991. The charges were held to have been proved and as a consequence thereto, an order had been passed removing the applicant from service w.e.f. 28.2.1994. The applicant, at that

relevant time, did not file any application in this Tribunal instead he, after five years, preferred an appeal and thereafter filed a representation which have since been dismissed.

2.The applicant submitted that he had been advised that no application lies to the Administrative Tribunal. We are not impressed by this fact. The matter of fact which cannot be ignored is that the applicant did not file any application before this Tribunal within one year of the order removing his service. The application, there fore, is barred by time. Subsequently, if after 5/6 years, he has taken recourse to filing appeals which were barred by limitation will not extend the jurisdiction to permit this Tribunal to interfere.

3. In these circumstances, we find that the application is barred by limitation. It must fail and is dismissed.”

3.With the application of the Petitioner before the CAT itself being barred by limitation, and the Petitioner today being 65 years of age, the Court sees no purpose served in continuing to entertain the present writ petition.

4.In that view of the matter, the application is dismissed.

S.MURALIDHAR, J

TALWANT SINGH, J

FEBRUARY 17, 2020/rd