

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 8275 of 2014

Nityananda Jena

.....

Petitioner

Mr. S. Mohanty, Advocate

Vs.

Union of India & Others

.....

Opposite parties

Mr. B.K. Padhi, CGC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

04.04.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Mohanty, learned counsel for the petitioner and Mr. B.K. Padhi, learned Central Government Counsel for the opposite parties.

3. The petitioner has filed this writ petition challenging the order dated 11.02.2014 passed in O.A. No.700 of 2013, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack rejected the original application filed by the petitioner on the ground of limitation.

4. Mr. S. Mohanty, learned counsel for the petitioner contended that against imposition of punishment of recovery of Rs.15,000/- from the petitioner though the petitioner approached the tribunal by filing O.A. No.700 of 2013, but the same was rejected on the ground of limitation.

5. Mr. B.K. Padhi, learned Central Government Counsel appearing for the opposite parties contended that the petitioner having been approached the tribunal at a belated stage, the tribunal is well justified in rejecting the original application on the ground of limitation.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner was imposed

with a punishment of recovery of Rs.15,000/- vide order dated 28.10.2009 and, as such, against the order of punishment, though the petitioner preferred appeal, the same was confirmed by the appellate authority. After exhausting all the departmental remedies, the petitioner sat over the matter and approached the tribunal on 07.10.2013, which was barred by limitation, in view of the provisions contained under Section 21 of the Administrative Tribunals Act, 1985.

7. In the above view of the matter, this Court is of the considered view that since the cause of action arose on 28.10.2009 and the petitioner approached the tribunal on 28.10.2009, i.e., after one year, the original application filed by the petitioner was barred by limitation under Section 21 of the Administrative Tribunals Act, 1985 and, as such, the tribunal is well justified in rejecting the original application on the ground of limitation. Therefore, this Court does not find any illegality or irregularity in the order impugned passed by the tribunal so as to cause interference with the same.

8. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok/Sukanta

(SAVITRI RATHO)
JUDGE