

Badal Singh Lama Vs. The Director, National Malaria Eradication Programme and Others

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Court : Guwahati

Decided On : Mar-04-2014

Judge : The Honourable Chief Justice Mr. a.M. Sapre & a.K. Goswami

Appeal No. : WP(C) No.862 of 2014

Appellant : Badal Singh Lama

Respondent : The Director, National Malaria Eradication Programme and Others

Advocate for Pet/Ap. : Mr. MK Boro

Judgement :

A.M. Sapre, C.J.

Heard Mr. MK Boro, learned counsel appearing for the petitioner.

By filing this writ petition under Article 226 of the Constitution of India, the writ petitioner who is applicant in OA No.25/2013 seeks to challenge the order dated 22.7.2013 passed by the Tribunal in the aforementioned OA.

The order impugned reads as under;-

22.07.2013

(Camp Shillong)

None appears for the applicant. Mr. Kankan Das, learned Addl. CGSC for the respondents are present.

On 19.05.2013, Mr. MK Boro, learned counsel for the applicant prayed for time to file condonation petition. On 10.06.2013, Mr. MK Boro was absent due to his illness. On 28.06.2013, again, Mr. Boro prayed for adjournment of the matter, and, accordingly, matter was adjourned to 22.07.2013 i.e., today.

In spite of granting several adjournments and sufficient time, neither condonation petition has been filed nor learned counsel for the applicant is present today.

Applicant in this case, prays for setting aside the order dated 30.12.1993 and 30.07.2013. As per Section 21 of the Administrative Tribunals Act, 1985, limitation is one year from the date such final order has been passed.

That being the position, OA is dismissed in limine.

We have perused the order passed by the Tribunal quoted above and find no good ground to take a different view than the one taken by the Tribunal, while dismissing the original application filed by the petitioner on the ground of non compliance of Tribunal's previous orders as also on the ground of non prosecution and lastly on the ground of limitation.

Indeed, the order passed by the Tribunal speaks for itself and does not need any elaboration except to take note of the typographical error in it, which as per record should have been taken to be read as 30.7.2003 in place of 30.7.2013 which seems to have been wrongly typed in the order. In our view, neither there was any sufficient cause made out and nor any application was filed before the Tribunal under Section 21 of the Administrative Tribunals Act by the petitioner to seek condonation of delay in filing the original application and therefore, the Tribunal was justified in dismissing the OA as being barred by time and for want of not filing any application under Section 5 of Limitation Act read with Section 21 of the Act and also for its non prosecution.

All the three grounds, on which the application was dismissed, therefore, in our view, appear to be just, proper and hence does not call for any reversal in exercise of our writ jurisdiction though vehemently opposed by learned counsel for the petitioner but with no basis and material. We, thus, find no merit in the writ petition which accordingly fails and stands dismissed in limini.

No cost.

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