

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6784 OF 2022
(Arising out of SLP (C) 14151 of 2022)

SNEHLATA NEWARE

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

1. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 03.01.2022 passed by the High Court of Madhya Pradesh at Jabalpur in M.P. No. 1424/2020, by which the Division Bench of the High Court has dismissed the said writ petition preferred by the appellant and has confirmed the order passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur [for short 'the Tribunal'] in dismissing the O.A. on the ground of limitation, the original applicant before the Tribunal has preferred the present appeal.
3. While issuing notice in the present proceedings in the order dated 16.08.2022, this Court has observed as under:-

"Learned counsel appearing on behalf of the petitioner has vehemently submitted that in the facts and circumstances of the case, the learned Tribunal ought to have condoned the delay in preferring the Original Application (OA), which was made after the representation was decided by the Authority pursuant to the earlier order passed by the Tribunal. It is submitted that delay was only 5/6 months and, therefore, considering Section 21 of the Administrative Tribunals Act, 1985, the same ought to have been condoned.

Issue notice returnable on 19.09.2022.

Dasti, in addition, is also permitted.

The respondents be served within a period of one week from today.”

4. Considering the aforesaid facts, it can be seen that the Tribunal has taken a too technical view in not condoning the delay and dismissing the O.A. on the ground of limitation. Considering the fact that the O.A. was filed after the representation was not decided by the authority, which was submitted pursuant to the earlier order passed by the Tribunal and there was a delay of only 5/6 months, considering Section 21 of Administrative Tribunals Act, 1985, the Tribunal ought to have condoned the delay and considered the O.A. on merits.

5. In view of the above and for the reasons stated above, the present appeal succeeds. The impugned judgment and order passed by the High Court as well as that of the learned Tribunal in rejecting the O.A. on the ground of limitation are hereby quashed and set aside. Delay caused in preferring the O.A. before the Tribunal is hereby condoned. Now, the learned Tribunal to decide and dispose of the O.A. in accordance with law and on its own merits.

The present appeal is allowed accordingly. No costs.

..... J.
(M.R. SHAH)

..... J.
(KRISHNA MURARI)

New Delhi;
September 19, 2022.

ITEM NO.56

COURT NO.8

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 14151/2022

(Arising out of impugned final judgment and order dated 03-01-2022 in MP No. 1424/2020 passed by the High Court Of M.P. Principal Seat At Jabalpur)

SNEHLATA NEWARE

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.105105/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.105103/2022-EXEMPTION FROM FILING O.T.

Date : 19-09-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Harshit Khandkar, Adv.
Mr. Rohit Anil Rathi, AOR

For Respondent(s) Mr. Anukalp Jain, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Yuvraj Sharma, Adv.
Mr. Akshay Nain, Adv.
Mr. Gurmeet Singh Makker, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The present appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)