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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REVIEW APPLICATION NO. 48 of 1987.

IN

Registration No. 419 of 1987.

Madan Mohan Srivastava

applicant.

Versus

Union of India and others

Respondents.

Hon'ble D.S.Misra A.M.

This is a review petition against the order dated 8.9.87 passed in Original Application No. 419/87 directing the Chairman Post and Telegraph Board New Delhi to arrange for the disposal of the representation dated 30.1.1986 of the applicant within a period of 45 days from the date of receipt of the order.

2. The grounds taken in the review petition are that more than 2,1/2 months have passed since this order was made on 8.9.87, but no order has yet been passed on the representation dated 30.1.1986 of the applicant by the Chairman Post and Telegraph Board; that counsel for the applicant never agreed to any suggestion made by learned counsel for the respondents that it would be sufficient if a directive is issued to the Chairman Post and Telegraph Board New Delhi to dispose of the representation within a short time. The review petition has been filed on 1.12.1987 with the plea that the counsel of the applicant came to know about this order on 16.11.87 for the first time. The application is not accompanied by any affidavit regarding the date of knowledge of the order passed in original application no. 419 of 1987. Hence the petition is time barred.

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3. In the reply filed on behalf of the respondents, it is stated that at the time of the hearing on admission,counsel for the applicant gave acceptance of the proposal which was given on behalf of the respondents as well as the court and he agreed that in case his representation dated 30.1.1986 is decided within 40 days from the date of the receipt of the order, he shall be satisfied; that the representation dated 30.1.1986 referred to in para 8 of the application could not be traced either in the office of the Chairman,Post&Telegraph, or in the office of the Post Master General,Lucknow and as such a copy of the said representation has been procured from the present application and it has been forwarded to the Chairman Post and Telegraph Board, New Delhi through P.M.G.,U.P.Circle Lucknow letter dated 3.11.1987 and no decision has been taken; that it is expected that some decision shall be taken on it at a very early date; that there is no negligence or autocracy on the part of the respondents and sometimes the processing of a decision takes its own time that the applicant has failed to bring his case within the meaning of Section 22(iii)(f) read with Rule 17 of the A.T.Act and the application is liable to be rejected.

4. In the affidavit of the applicant,filed two days before the date of argument, it is stated that there were no arguments in the case in the presence of the counsel for the applicant and there was no question of any acceptance of the proposal by the counsel for the applicant; that since there is no compliance of the order dated 8.9.87 of the Tribunal within the stipulated time, the order has become infructuous and requires to be cancelled and the application of the applicant under Section 19 of the Act has to be allowed.

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5. I have heard the learned counsel for the parties. I have also carefully considered the matter and I find that the review petition does not disclose discovery of any new and important matter of fact which was not within the knowledge of the applicant. It also does not point out any mistake or error on the face of the record. I am also of the opinion that the main grievance of the applicant is against noncompliance of the direction issued to the respondents regarding disposal of his representation dated 30.1.1986 within a period of 45 days. The proper course for the applicant for redressal of this grievance would have been to file a petition for the contempt of court against the respondents. The applicant has chosen to file an application for review. The allegations made by Sri B.P.Gupta, learned counsel for the applicant has been controverted by Sri K.C.Sinha, learned counsel for the respondents. It is significant to note that the other counsel for the applicant, who would have been present on the date on which the impugned order was passed has chosen not to file affidavit or even to join this application. Therefore, I am of the opinion that there is no substance in the allegations made by the learned counsel for the applicant. I am also of the opinion that the order passed on 8.9.87 does not prejudice the case of the applicant on its own merits, since after the authority competent/ has passed an order on his representation dated 30.1.1986, he will have a fresh opportunity to approach this tribunal, if his grievance still persists. For the reasons mentioned above, the review petition is dismissed.

6. However, respondents have admitted that a copy of the representation dated 30.1.1986 of the applicant was forwarded to the Chairman post and Telegraph Board, New

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Delhi on 3.11.1987 but no decision has been taken in the matter.

It is unfortunate that the Chairman Post and Telegraph Board New Delhi has failed to comply with the directions of this tribunal and has rendered himself liable to legal action.

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A.M. 16.2.88

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