

19-7-1990:

Hon'ble Mr. KJ Ramen, A.M.,
Hon'ble Mr. DK Agrawal, J.M.

Sri AV Srivastava, counsel for the applicant is present.
Listed on 21-11-1990 for hearing. The office shall issue
registered notice to the plaintiff/respondents at the address
given in the plaint.

OK

Notice issued
to the Plaintiff/
respondents.
fixing for hearing
on 21-11-90.

No undelivered
notice received
back in dispatch
No. 56985.

KM
20/11/90

Dee
(J.M.)

LO
(A.M.)

ES/

21-11-90

No sitting. Adjourned
13.3.91 for hearing. & Sri
R.S. Dinha filed vikalpatrama
on behalf of plaintiff/
respondent.

13.3.1991

Hon'ble Mr. D.K. Agrawal, J.M.
Hon'ble Mr. K. Obayya, A.M.

Sri A.V. Srivastava, Counsel for the applicants
Sri R.S. Dinha Counsel for the Opp. party.

This appeal is directed against the
judgment and decree dt. 20.3.1985 whereby
the reversion order of plaintiff /Respondent
dt. 23.12.1982 has been set aside.

The facts are that the plaintiff in due
course of promotion was appointed on the post
of TTE. Therefore, he was temporarily promoted
on adhoc basis on the post of Head Ticket
Collector vide order dt. 18.3.1981. He took
charge on the post on 20.3.81. He was further
reverted by an order dt. 23.12.1982 to his
substantive post of TTE which was challenged
in the Court ^{and} ~~below~~ ~~has~~ set aside the reversion
order. Therefore, it is an appeal by Union of
India.

The question is as to whether the plaintiff

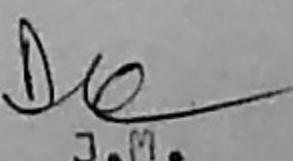
Respondent was given a chance to appear in the examination for selection to the post of Head T.C.. The Learned Counsel for the appellant has brought it to our notice that he was allowed to appear in the examination held on 2.7.1982. No further information is available on the record. We would like to know as to how many chances were given to the plaintiff/respondent to appear in the examination and how many chances he refused to appear. Therefore, the case has to be decided in the light of judgment of the larger Bench in ⁱⁿ ~~Jethanand's~~ case.

There is ^{an} application under section 5 limitation Act pending for disposal. The fact in this regard are that the judgment was delivered on 20.3.1985. The decree was prepared on 27.3.1985.

The application ^{for copy} was made on 23.3.1985. The copy was ready on 1.7.1985 and delivered to the applicant on 2.7.1985. The appeal was filed on 27.7.1985. Thus, the appeal was beyond limitation by about 4 days. The application under section 5 Limitation Act was allowed by the District Judge, vide order 27-7-1987. However, the plaintiff/Respondent raised an objection that Court of District Judge has no jurisdiction after the commencement of Administrative Tribunal Act 1985. Therefore, the order condoning the delay was recalled vide order 3.1.1988. We have taken into consideration the reasons given for condonation of delay. We hereby condone the delay.

List this appeal for hearing on 9.7.1991.


R.M.


J.M.