

M.A./137/87

in

O.A./114/87



Coram : Hon'ble Mr P H Trivedi

.. Vice Chairman

Hon'ble Mr P M Joshi

.. Judicial Member

21/9/1987

Heard learned advocate Mr Raju for the applicant who pleads that under order of Civil Procedure Code by which the procedure for review in the Tribunal is governed. ^{here} When six months ^{have} elapsed and the same Bench which have passed the order which is sought to be reviewed is not constituted, this Bench has jurisdiction for review. Notice be served on the respondents and the case may be adjourned to 7th October, 1987 for further directions.



(P H Trivedi)
Vice Chairman



(P M Joshi)
Judicial Member

MA/137/87
in
OA/114/87

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CORAM : HON'BLE MR. P.H. TRIVEDI : VICE CHAIRMAN
HON'BLE MR. P.M. JOSHI : JUDICIAL MEMBER

7/10/1987

Heard Mr. S.V. Raju and Mr. B.R. Kyada learned counsel for the applicant and the respondent respectively. Mr. Raju contends that the period of limitation should be construed from the date on which he received the reply and the commission has decided not to entertain any petition. ^{is within limitation and} Until then he had made several representation and was expecting a favourable decision. On so construing, the date on which the cause of action ^{has arisen} on the ground that the case was barred by limitation as held in the impugned order is not valid. The learned advocate has further cited 1972 SCC 1966 ^{for} his plea that for doing substantial justice it is necessary that procedural ^{difficulties} questions like delay in applying for redress should be discounted.

We find that the impugned order dated 23-9-1977 in OA/114/87 can be reviewed on some specific grounds and there is no manifest error in the order on the face of the record. The Bench had considered the question of the petitioner having approached the authorities for reply and the reply having been given in 1984 ~~and~~ this fact therefore has not been absent from the consideration of the Bench which passed the impugned order. So far as taking a liberal view regarding procedural bar on account of delay of limitation is concerned, Section 21 of the Administrative Tribunals Act is specific on the question of cases before the Tribunal being barred by limitation when they are beyond the period of three years. Therefore, there is no ground justifying the review of the impugned order. The application is rejected.

P.H. Trivedi
(P.H. TRIVEDI)
VICE CHAIRMAN

P.M. Joshi
(P.M. JOSHI)
JUDICIAL MEMBER


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Coram : Hon'ble Mr P H Trivedi .. Vice Chairman
Hon'ble Mr Zaheer Hasan .. Vice Chairman

20/3/1987

This is an application under section 21 of the Administrative Tribunal Act, 1985, ^{with a prayer} to direct the respondent to appoint the applicant in any of the post to category 16 of employment notice No.2/77-78 referred in the petition regarding the advertisement published in newspaper for non-technical post (of Commercial Clerks/Signallers/Ticket Collectors/Train Clerks/Office Clerks and Accounts Clerks). In pursuance to that the applicant ~~was~~ appeared in the written test on 20.8.1978. The applicant was called for oral interview on 29.5.1979 by call letter dated 3.5.79. The psychological test was held on 17.7.79. The applicant's grievance is that he was not appointed in the year 1979, and he approached ~~to~~ the authority ^{for} reply. The authority stated that the Commission will not enter into any correspondence with any individual or organisation in respect of any matter connection with the recruitment and selection or non-selection of candidate.

The cause of action of the applicant has arisen since 1978-79 and therefore, ^{this application is} clearly time barred. Application dismissed.


(Zaheer Hasan)
Vice Chairman


(P H Trivedi)
Vice Chairman