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(21)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

C.A.No. 48 OF 1992

in

O.A. No. 278 OF 1989

~~CA No.~~

NO  
Contempt

DATE OF DECISION 21.4.1993

Ziaddin Sarfuddin Shaikh, Petitioner

Mr. H.S.Shah, Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondents

Mr. Mukesh Patel for Mr. Jayant Patel Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

Siaddin Sarfuddin Shaikh  
House No. 3283,  
Mangal Parekh-no Khacho  
Shahpur, Momnawad,  
Ahmedabad.

..... Applicant.

(Advocate: Mr. H.S.Shah)

Versus.

1. Union of India through  
The Secretary, Ministry of  
Communication, Dak Bhavan  
Sansad Marg, New Delhi,
2. S. Balguru  
The Post Master General,  
Gujarat Circle, Khanpur,  
Ahmedabad.
3. Mr. D.A. Patil,  
The Assistant Superintendent  
of Post Offices, Office of the  
Asstt, Superintendent of Post Office,  
Western Division, Ravadi Bazar,  
Ahmedabad.
4. Shri B.K. Chauhan  
The Senior Post Master,  
Memnagar, Ahmedabad.

..... Respondents.

(Advocate: Mr. Mukesh Patel for  
Mr. Jayant Patel)

ORAL ORDER

C.A.No. 48 OF 1992

in

O.A.No. 278/1989

Date: 21.4.1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard learned advocates for the parties.

The learned advocate Mr. Mukesh Patel for Mr. Jayant Patel for the respondents submitted that the respondents have made all the calculation about the amount of backwages etc. to be paid to the applicant as per the order of the Tribunal in O.A.278/89. The Review Application which had been filed by the original

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respondents is also disposed of. Mr. H.S.Shah for the applicant submitted that though the respondents have made calculations the amounts are to be paid to the applicant. The respondents are directed to make the payment of the amount as directed by this Tribunal in O.A.278/89 within a week. C.A.48/92 is disposed of. Notices are discharged.



(R.C.Bhatt)  
Member (J)

vtc.



In service of the court.

please see limitation  
& raise objection.

RA should state when  
the order was  
received & state  
if there is any  
delay in filing R.A.

Q  
29/12

Software  
own  
ok  
30/11/92

The copy of order delivered  
on respondent's adv. on 11/10/92. 91 H.P. Golshi  
So delay in filing review appln.  
is 9 months and 16 days.

So, we may issue objection  
letter for above objection

H.P. Golshi  
LDC

S.O.(S) The affidavit is also wanting.

S  
19/1

~~D.L.S.~~ 25/1/93

Res submitted

Above objection communicated, but  
Objections not removed till today.  
Now we may place ~~on~~ ~~board~~ with  
above remarks.

H.P. Golshi  
LDC 8/2

S.O.(S) May be placed BIR  
on 15/1/93 @ 8/2/93

DYRL(S) 10/5/92

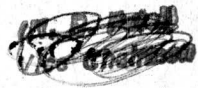
RA 34/92 in OA 278/89

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DATE	OFFICE REPORT	ORDERS.
31/3/93		<p data-bbox="689 390 1254 516"><b>HEARD LEARNED ADVOCATE FOR THE APPLICANT AND RESPONDENTS ORAL ORDER PRONOUNCED IN OPEN COURT.</b></p> <p data-bbox="987 617 1168 768">R.C. (R. C. Bhatt) Member</p>

RA 34/92 in OA 278/89

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DATE	OFFICE REPORT	ORDERS.
31/3/93		<p data-bbox="697 411 1262 535">HEARD LEARNED ADVOCATE FOR THE APPLICANT AND RESPONDENTS ORAL ORDER PRONOUNCED IN OPEN COURT.</p> <p data-bbox="776 672 948 760">(R. C. Shack) Member (A)</p> 

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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

NO  
Review

R.A.No. 34 OF 1992

in

O.A. No. 278 OF 1989

~~Ex.No.~~

DATE OF DECISION 31-3-1993.

Union of India & Ors.

Petitioner

(Orig. Respondents)

Mr. Mukesh Patel for Mr. Jayant Patel Advocate for the Petitioner(s)

Versus

Ziaddin Sarfuddin Shaikh,

Respondent

(Orig. Applicant)

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

The Hon'ble Mr. V. Radhakrishnan, Admn. Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal? ✗

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1. Union of India  
Through Chief Post Master General  
Gujarat Circle,  
Khanpur, Ahmedabad.

2. Senior Superintendent of  
Post Offices,  
Ahmedabad Division,  
Ahmedabad.

..... Applicants  
(Orig. Respondents)

Versus.

Ziaddin Sarfuddin Shaikh  
House No. 3283,  
Mangal Parekh-no-Khancho  
Shahpur, Momanwad,  
Ahmedabad.

..... Respondent.  
(Orig. Applicant)

ORAL ORDER

R.A.No. 34 OF 1992  
in

O.A.No. 278 OF 1989

Date: 31-3-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. Mukesh Patel for Mr. Jayant Patel,  
learned advocate for the applicants (Orig. Respondents)

2. This application under Rule 17 of the Central  
Administrative Tribunal (Procedure) Rules, 1987, is  
filed by the original respondents, seeking the relief  
that the judgment of this Tribunal in O.A. 278/89,  
decided on 1st October, 1991, be reviewed and the  
Original Application be modified to the extent that  
the original applicant shall not be entitled to  
back wages from the date of his termination until  
he is reinstated in service.

3. This matter came up before us today for  
preliminary hearing. We have heard Mr. Mukesh Patel  
at length. We brought to his notice Rule 17 of the

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Central Administrative Tribunal (Procedure) Rules, 1987, which says that no petition for review shall be entertained unless it is filed within 30 days from the date of receipt and copy of the order of which the review was sought. The judgment in O.A. No. 278/89 was delivered on 1st October, 1991 and the certified copy produced before us shows that it was ready on 11th October, 1991. This review application is filed on 27th July, 1992 and hence there is delay of 9 months and 16 days in filing this application. The learned advocate for the applicant submitted that in para-4 of the Review Application the original respondents have explained the delay that the original respondent No.2 had to obtain instructions and opinion of the competent authority and because of the said process delay has been caused in not preferring the Review Application within the period of limitation. We do not find this ground as sufficient to condone the delay for the period of 9 months and 16 days and the application deserves to be dismissed <sup>at</sup> ~~at this stage~~.

4. The second main defect in this review application is that the original respondents <sup>have</sup> ~~have~~ not filed affidavit in support of the petition which is a mandatory requirement of Rule 17. Ultimately it appears that they have filed one document which is nothing but the copy of the review application, but that is on affidavit which is dated 8th February, 1993.

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The learned advocate for the applicant submitted that this was not an affidavit in support of the review application but this was filed as it was pointed out to him that the review application was not found in the office. In any case, <sup>ne</sup> ~~either~~ this review applica- <sup>was ne</sup> tion fails because the affidavit <sup>L</sup> ~~is~~ not filed in support of the review application or that the affidavit which is in the nature of the copy of the review application is filed as late as 8th February 1993 and therefore, also this application deserves to be dismissed. In short, the review application fails because of the <sup>ne</sup> fatal defects of Rule 17(1) and Rule 17(2), hence it is dismissed at the preliminary stage and therefore, we do not go into the merits of the case.

ORDER

Review application No. 34 of 1992 is dismissed.

*V. Radhakrishnan*  
(V. Radhakrishnan)  
Member (A)

*R. C. Bhatt*  
(R. C. Bhatt)  
Member (J)

etc.