

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
SK&WDXEKKH

O.A. No. 88 OF 1991 ~~XXXXXX~~ ~~XXXXXX~~

DATE OF DECISION 1-4-1991

H.M. Patel, Petitioner

Mr. B.T. Rao Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents.

Mr. P.M. Raval Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S. Santhana Krishnan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *No*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

H.M. Patel,  
At & PO. Bhetali,  
Tal. Bhiloda,  
Dist. Sabarkantha,  
Pin - 383 245.

..... Applicant.

(Advocate: Mr.B.T. Rao)

Versus.

1. Union of India,  
Notice to be served through  
The Telecom Dist. Engineer  
(Admn) T.D.E. Office,  
Corporation Building,  
Nadiad.

2. The Chief General Manager,  
Gujarat Telecom Circle Office,  
Ambica Chamber,  
Ahmedabad.

3. Union of India,  
Department of Telecom,  
Sanchar Bhavan,  
20, Ashoka Road,  
New Delhi.

..... Respondents.

(Advocate: Mr.P.M. Raval)

ORAL ORDER

O.A.No. 88/1991

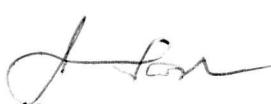
Date: 1-4-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

In this Original Application under section 19 of the Administrative Tribunals Act, 1985 the applicant who was selected for the post of Telephone Operator and did not join on grounds of sickness was given only one chance for training of Telephone Operator CTTE Ahmedabad in the next batch vide the Divisional Engineer, Telegraphs letter dated 25.1.85 Annexure A-7 addressed to the applicant. One of the conditions of this letter was that the applicant will <sup>h</sup>send medical fitness certificate from doctor when his health is restored to enable the Divisional Engineer Telegraphs to send applicant for training.

We find no averments in the original application or any evidence to show that this requirement was complied with by the applicant despite which the Divisional Engineer Telegraph did not send him for training as Telephone Operator in the next batch. This offer is dated 25.1.1985. The original application filed by the applicant is dated 26.2.91. Presuming that the cause of action arose when the next batch was sent to CTTE Ahmedabad sometime after this letter of 25.1.1985, on the face of it the application will be barred by limitation. The limitation has not been explained in the application. On the contrary it is stated that the same is within time after respondents having failed to give reply to legal notice dated 2.4.1990.

2. In view of the above inherent weaknesses in the application, we are of the view that this application does not have merits for further consideration. We hereby reject the same. No order as to costs.

  
(S. Santhana Krishnan)  
Judicial Member

  
(M. M. Singh)  
Admn. Member

ttc.

*Appointed Coram*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

R.A.No. 11 OF 1991  
in  
O.A. No. 88 OF 1991 ~~198~~  
~~T.A. No.~~

DATE OF DECISION 31-7-1991

Hasmukhbhai Motibhai Patel, Petitioner

Mr. B.T. Rao, Advocate for the Petitioner(s)

Versus

Union of India, Respondents

Mr. P.M. Raval, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S.Santhana Krishnan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. Whether it needs to be circulated to other Benches of the Tribunal. *no*

Hasmukhbhai Motibhai Patel,  
at & post: Bhetali,  
Tal. Bhiloda,  
Dist. Sabarkantha,  
Pin 383245.

.... Applicant.

(Advocate: Mr. B.T. Rao)

Versus.

1. Union of India,  
notice to be served through:  
the Telecom District Engineer,  
(Admn.) T.D.R. Office,  
Corporation Building, Nadiad.

2. The Chief General Manager,  
Gujarat Telecom Circle,  
Telecom Circle Office,  
Ambica Chamber, Ahmedabad.

3. Union of India,  
Department of Telecommunications,  
Sanchar Bhavan, 20 Ashoka Road,  
New Delhi.

.... Respondents.

(Advocate: Mr. P.M. Raval)

ORAL ORDER

R.A.No. 11 OF 1991

in

O.A.No. 88 OF 1991

Date: 31-7-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

This Review Application seeks review of our order dated 1.4.1991 passed in O.A.88/91 by which order the Original Application was rejected mainly on grounds of absence of conducive averments in the application and evidence to substantiate a material point arising from the application and on grounds of limitation.

2. The application filed on 24.4.91 is filed within time though without complying with provisions of rule 17(ii) of Central Administrative Tribunal (Procedure) Rules, 1987 promulgated by Notification No. A-11019/44/87 dated 26.2.1991 of Govt. of India (Department of Personnel & Training) requiring that

such applications are supported by a duly sworn affidavit covering on prescribed items. We nevertheless dispose of this application by circulation amongst us in accordance with provision of Rule 17(iii) of the Rules.

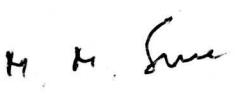
3. The following appearing as para 4(2) of the Review Application is relevant:

"4(2): The applicant hereby takes an opportunity to satisfy Your Lordships that there is an evidence in support of sending medical fitness certificate and the application is not time barred. The applicant through inadvertant failed to produce such evidence and also failed to explain the question of limitation for which the applicant begs apology of the Hon'ble Tribunal. The applicant, therefore, again mentions the facts in short as under:-"

The above para itself shows that the application was rightly rejected as the applicant had not produced required evidence and also failed to explain the question of limitation. When an application is rejected by the Court in due consideration of the record placed before the Court, party affected by such rejection cannot seek review of the order by leading further evidence. The order rejecting the application is thus not in error in the face <sup>of</sup> ~~in~~ the record in the application. The scope of review is limited. Review cannot be sought on the basis of fresh material produced with the review application.

4. In view of the above, the application is liable to be rejected. We hereby do so.

  
(S. Santhana Krishnan)  
Judicial Member

  
(M.M. Singh)  
Admn. Member