

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~NEW XX DE LXX~~

~~O.A. No.~~
~~EXX No.~~

198X

M.A. No. 106 OF 1991

in

O.A.ST.No. 74 OF 1991

DATE OF DECISION 12.07.1991Mr. Ismail Gilam Hussain Miyaji PetitionerMr. P. H. Pathak

Advocate for the Petitioner(s)

Versus

Superintendent of Post Office & Anr RespondentMr. P. M. Raval,

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. Trivedi

: Vice Chairman

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? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *yes*
4. Whether it needs to be circulated to other Benches of the Tribunal? *no*

Mr. Ismail Gulam Hussain Miyaji,
At. Tara,
Taluka Abdasa,
Dist. Kutch, -Bhuj.

...Applicant.

Versus.

1. Superintendent of Post Offices,
Kutch Circle,
Bhuj,
2. Sub Divisional Inspector, (P),
Nakhatrana Sub Division,
Nakhatrana,
Kutch.

...Respondents.

J U D G M E N T

M.A. No. 106 OF 1991
in
O.A.ST.NO. 74 OF 1991

Date : 12.7.1991

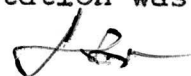
Per : Hon'ble Mr. S. Santhana Krishnan : Judicial Member

The applicant has come forward with this application to condone the delay in filing the Main Application.

2. The respondents have not chosen to file any reply.

3. The applicant will have to establish sufficient cause for the delay. In the Main Application, the applicant challenges the termination order dated 2.4.1988. Hence he ought to have filed ^{the} application before this Tribunal within one year ^{on or} before 2.4.1989. The present application is filed on 13.2.1991. The applicant will have to explain the cause for the long delay.

4. The applicant claims in his application that he has made representation to the concerned authorities and the same was rejected on 19.6.1989. In this application it is not stated when the representation was made. It is



...3...

seen from the Main Application that the representation was made in May, 1988. It is not stated whether the same is under the relevant service rules.

5. Even taking for granted that the representation is under the relevant rules the same was rejected on 19.6.1989. The present application ought to have been filed on or before 19.6.1990. But the application is filed nearly 8 months after 19.6.1990.


6. The reason given by the applicant as we see from the application is that he could not get sufficient funds to file the Main Application. According to him he originally approached his brother who could not help him as his services were also terminated. Thereafter he approached Mne Mr. Qureshi, the Union representative, who helped him to file this application. The Affidavit, of Mr. Qureshi, is not filed. It is not even stated in the application when the applicant approached his brother and when he approached Mr. Qureshi. The vague allegations in the application do not satisfy the conditions under Section 21 (3) of the Administrative Tribunals Act, 1985.


7. The applicant will have to establish sufficient cause for the long delay. On the allegations made, the applicant miserably failed to establish sufficient cause for the delay.

8. The decision relied on by the applicant reported in A.I.R. 1987, S.C. Page.1353, (Collector, Land Acquisition, Anantnag and Another Vs. Mst. Katiji and others), is not of any help, as there was a delay of only four days in preferring the appeal and hence it is pointed that the Court should adopt liberal approach. This decision is not of any help to the applicant.



9. As the applicant failed to establish sufficient cause for the long delay, the applicant cannot claim any relief in this application. Accordingly the application is liable to be dismissed and it is hereby dismissed. No order as to costs.


(S. Santhana Krishnan)
Judicial Member


(P. H. Trivedi)
Vice Chairman

AIT