

NOTICE FORM NO.4

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

M.A./111/92 in O.A/209/92

Sent by Regd. A.D. Post

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5th Floor,
B.D.Patel House,
Nr.Sardar Patel Colony,
Post: Navjivan,
Ahmedabad - 380 014.

Date: 29.4.92

Shri P.J.Joshi

APPLICANT (S)

V/s.

Union of India and Ors.

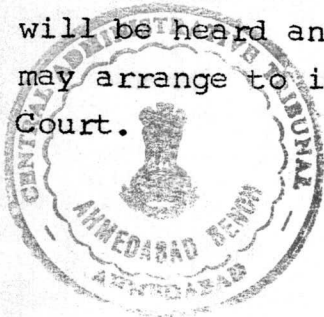
RESPONDENT (S)

To,

01. Xavier M.M. (Adv)
Bhavnagar.

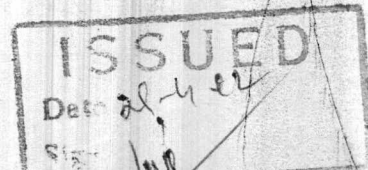
02. Shri P.J.Joshi
Opp: Primary School,
Dhola Junction, Dhola .

Take notice that the above application has been fixed for Admission on 11.5.92 at 10.30 A.M. In the said application you represent the applicant/respondent and therefore you are hereby informed to remain present for conducting the matter. If you will fail to appear or to arrange to proceed with the matter it will be heard and decided in your absence. If necessary you may arrange to inform your client to remain present in the Court.



O/C
B/Sel
29/4/92

Section Officer(J)
Central Administrative Tribunal
Ahmedabad Bench
Ahmedabad.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD

DA/TA/MA/RA/C.A. No.

209 / 1092

APPLICANT(S)

COUNSEL

Pravinchandra J. Joshi

for Pinf

Woi Gas

VERSUS

du

RESPONDENT(S)

COUNSEL

Date

Officer Report

Orders

Advance
copy not
sent

Pravin
(Asst. Secy
G.A.)

Date	Office Report	Orders

Date

Office Report

ORDER

11-05-1992

MA/11/92

and

CA/20/92

Present:- Mr. M. V. Kanner Id.
Advocate and applicant
in person,

Mr. Akh. Kuredu Id.
Advocate for respondents

Oral judgement

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

M.A. No. 111/92
O.A. No. 209/92 in
~~E.A. No.~~

DATE O N 11.5.1992

Shri Pravinchandra J. Joshi Petitioner

Mr. M.M. Xavier Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondent

Mr. Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Member (J)

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 ?

Shri Pravinchandra J. Joshi

... Applicant

Vs.

1. Union of India,
Through:
The Chairman,
Post & Telegraph Board,
Office of the Director General,
of Post Office,
New Delhi- 110 001.
2. Post Master General,
Gujarat Circle,
Ahmedabad.
3. Divisional Supdt. of Post Office,
Kamal Building Don,
Bhavnagar.

... Respondents

O R A L J U D G M E N T

M.A. No. 111 of 1992
O.A. No. 209 of 1992 in

Date: 11.5.1992

Per: Hon'ble Mr. R.C. Bhatt : Member (J)

1. Heard Mr. M.M. Xavier learned advocate for the applicant and Applicant in Person and Mr. Akil Kureshi learned advocate for the respondents.

2. The applicant has filed O.A. No. 209 of 1992 seeking the relief that he may be appointed in service in place of his father who died in harness, on compassionate Ground. There are some inconsistent facts as narrated by the applicant before me. The applicant has filed M.A. No. 111 of 92 for Condonation of Delay in

...3...

in filing this application. Unfortunately, the learned advocate Mr. Atul P. Kamdar, who has signed this M.A. application and also O.A. application is not present. In para 3 of the M.A. application, the applicant has mentioned that he had filed Regular Civil Suit No. 148/86 before Civil Judge (S.D.) Bhavnagar and had prayed for the relief seeking appointment on compassionate ground. He has mentioned that on 28th November, 1991 i.e. date of filing this M.A. application, he learnt that his advocate had filed the said suit in the fictitious name of Mr. Pravin D. Jani and he was made to understand till this date that the suit alleged have been filed by him was pending in the Court. The applicant has stated before me that he had engaged one Mr. Akshaybhai Oza as his advocate in that suit that he and his Elder Brother Shri Jagdishbhai had instructed Mr. Oza to file the suit but the name mentioned in the plaint was not of the applicant but was of one Mr. Pravin D. Jani. He submitted that he was not signed it as plaintiff. He submitted that in 1989 he learnt from the Clerk of the Court that suit was filed in name of Shri Jani. However, in M.A. filed on 28th November, 1991, he has made a statement that on this date he learnt that his advocate filed this suit in the fictitious name. The applicant has unnecessarily blamed his advocate may be obtain

sympathy of the Court for condonation of delay in filing the O.A. If such statement is accepted at its face value, any litigant may make any allegation against the advocate engaged by him. He also stated that his Mother as back as on 26th Sept. 1979 made application for the appointment of this applicant on compassionate ground which was rejected and again in 1980 she made such application which was rejected. He submitted that no suit was filed by either by his Mother or by him to get an appointment on compassionate ground.


3. Learned advocate Mr. Akil Kureshi for the respondents submitted that the cause of action had arisen three years prior to the date of establishment of this Tribunal because the applicant's Father had expired as back as on 16th August, 1979. He submitted that though the applications filed by applicant's Mother to get appointment of this applicant on compassionate ground had been rejected not legal was taken by them. Therefore, he submitted that there is no question of condonation of delay as the suit No. 148/86 filed was time barred. He submitted that no reliance should be placed at all on the averments made in M.A. and M.A. and O.A. be dismissed.

4. At this stage, Mr. M.M. Xavier learned advocate for the applicant submitted that the opportunity be given to the applicant to file representation to the Competent

Authority. Though, I am not at all satisfied with the averments made in the M.A. regarding condonation of delay, the fact remains that the application of appointment on compassionate ground is not made by this applicant before competent authority of respondents and hence, he may make Representation and the Authority Concerned may consider his representation according to the Rule.

O R D E R

M.A. No. 111/92 and O.A./209/92 are dismissed. However, the applicant may give representation in his name to the Competent Authority of the respondents narrating the circumstances of his Family income, his Educational Qualification ^{and to} etc. and the respondents may consider it, ~~dispose~~ ^{dispose} ~~for~~ such representation according to Rules.


(R.C. Bhatt)
Member (J)

*K.B.