

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

21D

O.A. No. 626/93
Tax No.

DATE OF DECISION 9/11/93

Shri R. Ramabadran, IAS Petitioner

Mr. J. J. Yajnik & Mr. K. M. Patel Advocate for the Petitioner(s)

Versus

Union of India & Anr. Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. B. Patel : Vice Chairman

The Hon'ble Mr. V. Radhakrishnan : Member (A)

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 ?

W.D

Shri R.Rambadran, IAS
E-1, Samarpan Flats,
Ellisbridge, Ahmedabad.

: Applicant

(Advocate: Mr.J.H.Yajnik
& Mr.K.M.Patel)

Versus

1. The State of Gujarat,
Through:
The Secretary, General
Administration Department,
Sachivalaya, Gandhinagar.
2. The Union of India,
Through:
Secretary, Home Affairs Ministry,
New Delhi-110 001.

: Respondents

(Advocate:

ORAL ORDER

IN

O.A./626/93

Date: 9/11/93

Per: Hon'ble Mr.N.B.Patel

: Vice Chairman

The applicant and his advocate are not present.

Dismissed for default.


(V.Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman

a.a.b.

MA/31/94 in OA/626/93

date	Office Report	Order
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24/1/94

other
As the learned Member of
the Bench is not available,
the matter is adjourned
to..... 1/2/94

R

K. RAMAMOORTHY
MEMBER (A)

1.2.94

M.A. 31/94

Notice returnable on 01-3-94.

R

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

1-3-94

AS

M.A. 31/94 IN O.A. 626/93

Heard Mr. Pandya, learned Assistant Government Pleader. M.A. allowed. O.A. 626/93 restored to file. No order as to costs.

O.A. 626/93

Fixed for admission hearing on
08-3-94.

R

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

*AS

Date	Office Report	Order
08.03.1994.		<p>Adjourned to 21.3.1994, at the request of Mr.K.M.Patel, as he wants to ascertain whether the applicant has filed any M.A. for condonation of delay or not, if it is not filed, he wants to file the same. Call on 21.3.1994.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p>
21-3-94		<p>Adjourned to 29-3-94, at the request of Mr.Patel as he wants to file amendment application.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p>
29-3-94		<p>*AS*</p> <p>On copy of M.A. being furnished to Mr.Kyreshi, he waives service. Nobody is present on behalf of the State Government though Mr.Patel furnished copy of M.A. to Mr.Pandya, learned Assistant Government Pleader, who reports the State Government. Notice to the respondent No.1, State Government of Gujarat, returnable on 19-4-94.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p>
		<p>AS*</p>

Date

Office Report

Order

19-4-94

Reply not
filed

Reply filed by the State Government taken on record. Adjourned to 3-5-94, at the request of Mr. Kureshi for filing reply.

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

AS

03.5.1994.

M.A./185/94.

Taking an over all view of all the circumstances of the case we find that this is a fit case for condonation of delay because the impugned order dated 16.12.1985 was communicated to the applicant in February 1986 and soon thereafter he filed a writ petition before the High Court on 2.6.1986 challenging the impugned order.

The writ petition was admitted on 13.9.1986 but on 24.3.1992, it was transferred to this Tribunal and the T.A. was dismissed on 1.9.92 on the ground that the Tribunal could not take cognizance of the T.A. on its transfer by the High Court since the writ petition was not pending on 1.11.1985, when the Tribunal was established. It is abundantly clear that the applicant could not be held responsible for any delay till 1.9.1992. About 4 or 5 months after 1.9.92 he has filed the present application on 3.2.1993 and not therefore, the delay could be graded as inordinate. Coupled with this is a fact that the applicant had from the beginning a clear intention to challenge the impugned order. M.A. allowed. Delay condoned. M.A./185/94 stands disposed of. O.A. may be listed for admission hearing on 14.6.94.

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

Date	Office Report	Order
08.03.1994		<p>Adjourned to 21.3.1994, at the request of Mr.K.M.Patel, as he wants to ascertain whether the applicant has filed any M.A. for condonation of delay or not, If it is not filed, he wants to file the same. Call on 21.3.1994.</p> <p> (K.Ramamoorthy) Member (A)</p> <p> (N.B.Patel) Vice Chairman</p> <p>ait.</p>
21-3-94		<p>Adjourned to 29-3-94, at the request of Mr.Patel as he wants to file amendment application.</p> <p> (K.Ramamoorthy) Member (A)</p> <p> (N.B.Patel) Vice Chairman</p> <p>*AS*</p>
29-3-94		<p>On copy of M.A. being furnished to Mr.Kyreshi, he waives service. Nobody is present on behalf of the State Government though Mr.Patel furnished copy of M.A. to Mr.Pandya, learned Assistant Government Pleader, who reports the State Government. Notice to the respondent No.1, State Government of Gujarat, returnable on 19-4-94.</p> <p> (K.Ramamoorthy) Member (A)</p> <p> (N.B.Patel) Vice Chairman</p> <p>AS*</p>

Date	Office Report	Order
19-4-94	<p><i>Reply recd</i> <i>Recd</i> <i>2-5-94</i></p>	<p>Reply Filed by the State Government taken on record. Adjourned to 3-5-94, at the request of Mr.Kureshi for filing reply.</p>
03.5.1994.		<p><i>R</i></p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>*AS*</p> <p><u>M.A./185/94.</u></p> <p>Taking an over all view of all the circumstances of the case we find that this is a fit case for condonation of delay because the impugned order dated 16.12.1985 was communicated to the applicant in February 1986 and soon thereafter, he filed a writ petition before the High Court on 2.6.1986 challenging the impugned order.</p> <p>The writ petition was admitted on 13.9.1986 but, on 24.3.1992, it was transferred to this Tribunal and the T.A. was dismissed on 1.9.92 on the ground that the Tribunal could not take cognizance of the T.A. on its transfer by the High Court since the writ petition was not pending on 1.11.1985, when the Tribunal was established. It is abundantly clear that the applicant could not be held responsible for any delay till 1.9.1992. About 4 or 5 months after 1.9.92 he has filed the present application on 3.2.1993 and therefore, the delay could be graded as inordinate. Coupled with this, is the fact that the applicant had, from the beginning, a clear intention to challenge the impugned order. M.A. allowed. Delay condoned. M.A./185/94 stands disposed of. O.A. may be listed for admission hearing on 14.6.94.</p>

R
(K.Ramamoorthy)
Member (A)

R
(N.B.Patel)
Vice Chairman

Date	Office Report	ORDER
14-6-94		<p>The other Hon'ble Member is not available. At the request of Mr. J.J.Yajnik adjourned to 8th July, 1994. No further time will be given.</p> <p>(N.B. Patel) Vice-Chairman.</p>
8.7.94		<p>As the other Hon'ble Member of the Bench is not available, adjourned to 22.7.94.</p> <p>(N.B. Patel) Vice Chairman</p>
		<p>vte</p>
22.7.94		<p>Adjourned to 1.8.94, at the request of Mr.K.M.Patel.</p> <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p>
1/8/1994		<p>*ssh</p> <p>Adjourned to 8.8.1994, at the request of Mr.Deepak Patel on behalf of Mr.K.M.Patel, who is reported to be sick. The applicant should consider whether an appeal lies from the impugned action to the Government of India and a memorial lies to the President of India and, if so, whether his application without exhausting the said remedies is maintainable.</p> <p>Call on 8.8.1994.</p> <p>(V.Radhakrishnan) Member (A)</p> <p>(N.B. Patel) Vice Chairman</p>
		<p>aab</p>

Date	Office Report	ORDER
18/94	On application of Mr. K. M. Patel and Mr. Bambhaniya for final hearing before the Tribunal.	Heard Mr. K. M. Patel and Mr. Bambhaniya for Respondent No. 1. <u>Admitted</u> . It is made clear that it will be open to the respondents to content at the final hearing that the O.A. is premature as the applicant has not exhausted the departmental remedies before approaching the Tribunal. Reply is already filed. Mr. Patel states/rejoinder is not necessary to be filed. The O.A. fixed for final hearing in due course.
	Placed from NOTH. notice issued on 09.8.94 RPT for Res. 1 is received.	 (V. Radhakrishnan) Member (A)
		 (N. E. Patel) Vice Chairman
26.8.99		None for the parties. Place before Division Bench on 6.9.1999.
6.9.99	A letter received from Ministry of Home Affairs & deply is given on 17/9/98 & it approached extenng frst counsel. (Kept in Part C) This is for perusal.	 (V. Ramakrishnan) Vice Chairman
		 (P. C. Kannan) Member (J)
		 (V. Ramakrishnan) Vice Chairman
		 (P. C. Kannan)

DATE OFFICE REPORT

O R D E R

1.10.99

Mr. Adhvaryu enters appearance for the State of Gujarat, Respondent No.1. Place it before the Special Bench on 14.10.99.

Ar
(A.S.Sanghavi)
Member (J)

VR
(V. Ramakrishnan)
Vice Chairman

pmr

14.10.99

~~Non-exfax the parties~~ Dismissed for default.
Oral order dictated in the open Court.

Ar
(A.S.Sanghavi)
Member (J)

VR
(V.Ramakrishnan)
Vice Chairman

vtc.

DATE

OFFICE REPORT

O R D E R

1.10.99

Mr. Adhvaryu enters appearance for the State of Gujarat, Respondent No.1. Place it before the Special Bench on 14.10.99.

(A.S.Sanghavi)
Member (J)

(V. Ramakrishnan)
Vice Chairman

pmr

14.10.99

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oral order dictated in the open Court.

(A.S.Sanghavi)
Member (J)

(V.Ramakrishnan)
Vice Chairman

vtc.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

O.A.No. 626/93

Ahmedabad this the 14th day of October, 1999.

Shri R. Rambadran, I.A.S.
E-1, Samarpan Flats
Ellisbridge, Ahmedabad.

.... Applicant

BY Advocate: Mr. W.J.Yajnik &
Mr. K.M. Patel

VERSUS

1. The State of Gujarat
To be served through
The Secretary, General
Administration Department
Sachivalaya, Gandhinagar
2. Union of India, Notice to be
served through
Secretary,
Home Affairs Ministry,
New Delhi.

By Advocate: Mr. P.F.Adhvaryu.

ORDER (Oral)

Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

Neither the applicant nor his counsel is present.
They have not been present on earlier occasions also.
Apparently, the applicant is not interested in pursuing
the matter. Dismissed for default. Mr. Adhvaryu present.

(A.S.Sanghavi)
Member (J)

(V.Ramakrishnan)
Vice Chairman

vtc.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

O.A.NO. 626/93

Ahmedabad this the 14th day of October, 1999.

Shri R. Rambadran, I.A.S.
E-1, Samarpan Flats
Ellisbridge, Ahmedabad.

.... Applicant

By Advocate: Mr. J.J.Yajnik &
Mr. K.M. Patel

VERSUS

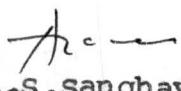
1. The State of Gujarat
To be served through
The Secretary, General
Administration Department
Sachivalaya, Gandhinagar
2. Union of India, Notice to be
served through
Secretary,
Home Affairs Ministry,
New Delhi.

By Advocate: Mr. P.F.Adhvaryu.

ORDER (oral)

Hon'ble Mr. V. Ramakrishnan, vice Chairman.

Neither the applicant nor his counsel is present.
They have not been present on earlier occasions also.
Apparently, the applicant is not interested in pursuing
the matter. Dismissed for default. Mr. Adhvaryu present.


(A.S. Sanghavi)
Member (J)


(V.Ramakrishnan)
vice Chairman

vtc.