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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.291 of 1988

Date of decision : May 15, 1990.

Gulamani Parakhit Das ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s.Y.S.R.Murty,
P.K.Parida, Advocates.

For the respondents ... Mr.Tahali Dalai,
Addl. Standing Counsel (Central)

C O R A M:

THE HON'BLE MR.R.BALASUBRAMANIAN, MEMBER (ADMN.)

A N D

THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

J U D G M E N T

N.SENGUPTA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the order of the Additional Postmaster General, Orissa dated 5.9.1986.

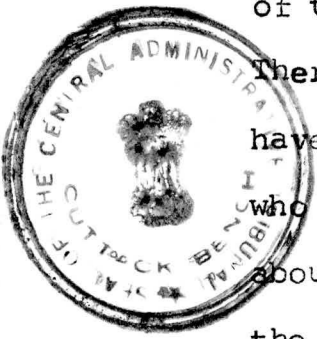
- Seen 15/5*
2. The allegations of the applicant are that he was removed by an authority inferior to the one by whom he was appointed and that proper procedure was not followed during the course of enquiry. The application was filed

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in September, 1988 and for condonation of this delay the applicant has filed a medical certificate from a private Medical practitioner on 28.8.1988.

3. We have heard Mr. P. K. Parida, learned counsel for the applicant and Mr. Tahali Dalai, learned Addl. Standing Counsel (Central) for the respondents. The application is not entertainable on two counts. Firstly, even though an appeal is provided for under the Rules, no appeal was preferred and secondly on ground of limitation. The medical certificate filed by the applicant is too vague to be acted upon. The certificate states that the applicant had reactive depression in January, 1987 and was better on the date of issue of the certificate and could take care of himself.



There is absolutely no indication of the applicant to have been under the continuous treatment of the person who granted the certificate nor is there any indication about the state of mental health of the applicant during the intervening period. No doubt, ^{- The consideration for} condonation ^{of} delay under section 21 of the Administrative Tribunals Act may be different from ~~the application~~ while dealing with a petition under section 5 of the Limitation Act ^{- in both} but the reasons for condonation would be similar. For ~~these~~ ^{These} reasons, we would reject the application but however there would be no order as to costs.

D. S. Subramanian
..... 15/5/90.
Member (Administrative)

H. S. Eshwar
..... 15-5-90.
Member (Judicial)