

कै.प्र.व्य. (प्रक्रिया) विषयवादी के विषय में के सन्तगत वि: सुल्क प्रति

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, RAJ. HIGH COURT CAMPUS
JODHPUR.

COPY OF ORDER DATED 06.02.2008 PASSED IN MA NO.66/2007 IN
O.A.NO.82//2007.

APPLICANT RESPONDENTS
HANUMAN DAS VAISHNAV&ORS. VS. U.O.I. & OTHERS.

Date of Order : 6.2.2008
MA No. 66/2007 in OA No. 82/2007

Mr. A.K. Khatri, Advocate, counsel for applicants.
Mr. Manoj Bhandari, Advocate, counsel for respondents No. 1 to 3.
Mr. Salil Trivedi, Advocate, counsel for respondents No. 4.
Mr. J.K. Mishra, Advocate holding brief of
Mr. B. Khan, Advocate, counsel for respondent No. 5 and 7 to 13.
None present for respondents No. 6 and 14.

Heard learned counsel for the parties on M.A. No. 66/2007 on condonation of delay and perused averments made therein.

Ground for seeking condonation is as per the pleadings contained in para 2 of the M.A. wherein, it is stated that the applicants acquired knowledge of the contents of letter dated 7.7.2003 only when they received letter on 16.4.2007.

Facts stated in para 2 of M.A. have been denied vide paras 1 of the reply/counter dated 17th January, 2008 (filed by opposite parties in MA) to show that applicant had knowledge of the contents of letter dated 7.7.2003 and he was in possession of relevant material for seeking redressal of his grievance, if any. In para 2 of counter a reference is also made to the consequential Seniority List dated 11th May, 2005 and Order dated 28th July, 2005. The above averments have to be read along with the pleadings contained in para 4.18, 4.19 and 4.21 as well as Annex. A/21 and Annex. A/23 to the O.A. Annexures referred in the said paragraphs which will show that the applicants had taken steps for redressal of their grievance (now raised in this O.A.) by filing representations as early as in the year 2005.

In this view of the matter, explanation given in M.A. for condoning delay in filing O.A. cannot be accepted and his M.A. praying for condoning the delay, deserves to be rejected.

The learned counsel for the applicants.

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however, submitted that, though, there is no specific pleading in the O.A. itself that representations made in the year 2005 were decided or no order deciding these representations has been communicated to the applicants but, he has instructions to state that said representation/s are still pending.

Shri Manoj Bhandari, Advocate (along with Shri Salil Trivedi and Shri B. Khan, Advocates), appearing on behalf of the Opposite Parties, however, stated that as per record/instructions available today with him, aforesaid representation(s) filed in the year 2005, were decided vide order dated 7th December, 2005 but, he is unable in absence of specific instructions, whether, said order dated 7.12.2005, was communicated to the applicant and, if so, when.

Be that as it may, if the representation(s) filed by the applicants in the year 2005 still pending, there is no reason as to why the same should not be decided and if said representation(s) have been decided vide order dated 7.12.2005 then said 'order' ought to have been communicated to the applicant. It goes without saying, that if the representation(s) have not been decided, the same may now be decided preferably within three months of receipt of a certified copy of this order and decision be communicated

forthwith to the applicants. If representation(s) have already been decided vide order dated 7.12.2005 (as per statement of Sh. Manoj Bhandari, Advocate, as noted above in this order) then, it must be communicated to the applicants for taking such steps as may be advised. Further, it is clarified that in case, order dated 7.12.2005 (referred to above) exists and also communicated in the past, then the respondents are not expected to undertake the 'exercise' again.

In view of the above discussions, this M.A. praying for condonation for delay is rejected.

No order as to costs.

[K.K. BHANDARI]
MEMBER[A]

[A.K. YOG]
MEMBER[J]



CERTIFIED TRUE COPY
Dated 14/02/08

अनुमान अधिकारी (न्याय.)
Section Officer (Judl.)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर न्यायपीठ, जोधपुर
Jodhpur Bench, Jodhpur.

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