

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.118/2000

Tuesday, this the 29th day of February, 2000.

CORAM

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

R. Sankaranarayanan, S/o N. Raman,
Ex. Scientist/Engineer S.F.,
Vikram Sarabhai Space Centre,
Department of Space, Thiruvananthapuram.
Residing at Flat No.45, Bldg. No.374,
Road 811, Block 308, Gudaibiya, Bahrain.
Through Power of Attorney Mr.S.R.S. Mony,
S/o Ramaswamy Iyer, Pensioner, "Sulatha",
T.C.3/2187, L.I.C. Lane, East Pattom,
Trivandrum - 4.

Applicant

By Advocate Mr. M.R. Rajendran Nair.

Vs.

1. The Union of India represented by
the Secretary to Government,
Department of Space, New Delhi-110 001.
2. The Administrative Officer-II (Est),
Vikram Sarabhai Space Centre,
Department of Space,
Thiruvananthapuram.
3. The Director,
Vikram Sarabhai Space Centre,
Trivandrum.

Respondents

By Advocate Mr. C.N. Radhakrishnan.

The application having been heard on 15.2.2000, the
Tribunal delivered the following on 29.2.2000

ORDER

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

This Original Application is verified, and signed by
the Power of Attorney holder on behalf of the applicant.

2. A preliminary point was raised whether an application can be filed by the Power of Attorney holder and the Power of Attorney produced is a valid one.

3. Learned counsel for the applicant argued that it is not necessary absolutely that the Original Application should be filed and signed by the applicant, but can be verified and signed by the Power of Attorney holder.

4. Rule 4(1) of the Central Administrative Tribunal (Procedure) Rules says that an application to the Tribunal shall be presented in Form No.1 by the applicant in person or by an agent or by a duly authorized legal practitioner to the Registrar or any other officer authorized in writing by the Registrar to receive the same or be sent by registered post with acknowledgment due addressed to the Registrar of the Bench concerned.

5. It is only presentation of the Original Application that can be done in the manner mentioned in the said rule. Verification and signing of the Original Application is different from presentation.

6. Form No.1 mandated the signature of the applicant. Since an Original Application is to be in Form No.1 and as per Form No.1 it is to be signed by the applicant, the verification and signing of the Original Application should only be done by the applicant and not by a Power of Attorney



holder. In Form No.1, it is not stated signature of the applicant or of an agent or a person duly authorized by the applicant to sign the same. If the intention was to allow an agent or a duly authorized person to sign Form No.1 instead of signature of the applicant, it would have been stated as signature of the applicant or of the agent or of the duly authorized person.

7. Order 6, Rule 14 C.P.C. says every pleading shall be signed by the party and his pleader (if any), provided that where a party pleading is, by reason of absence or for other good cause, unable to sign the pleading, it may be signed by any person duly authorized by him to sign the same or to sue or defend on his behalf. There is no provision identical to Order 6, Rule 14 C.P.C. in Central Administrative Tribunal (Procedure) Rules.

8. In the absence of any provision for verifying and signing the Original Application by anybody other than the applicant, a Power of Attorney holder is not competent to verify and sign the Original Application.

9. In the light of the finding that the Original Application can be verified and signed only by the applicant, it is not necessary to go into the question whether the Power



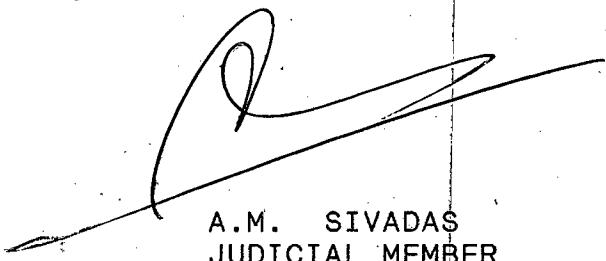
of Attorney produced in this Original Application is a valid one.

10. Accordingly it is held that the Original Application as filed is not maintainable and is dismissed. No costs.

Tuesday, this the 29th day of February, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

P.