

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 124 of 2010

Monday, this the 26th day of September, 2011

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

C. Karunakaran, Aged 75 years, S/o. Raman,
 16/244 Sherin Apartments, Pathiri Nagar, Dhoni Post,
 Palakkad, Pin : 678 009.

Applicant

(By Advocate – Mr. R. Sree Hari – Not present)

V e r s u s

1. The Director General, BSNL, New Delhi.
2. The Chief General Manager, Telephones,
 Kerala Circle, BSNL,
 Thiruvananthapuram 695 033.

Respondents

(By Advocate – Mr. Thomas Mathew Nellimoottil)

This application having been heard on 26.9.2011, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. Justice P.R. Raman, Judicial Member -

The applicant belonging to Scheduled Caste community retired from service in 1992 has filed this application in 2010 seeking appropriate direction to consider Annexure A-6 representation and also to declare that he is entitled to get all the benefits for the period from 27.1.1961 to 28.02.1963 as Telephone Operator with increments and grade/promotion.

2. As the application was highly belated the Tribunal in its order dated



5.3.2010 observed as follows:-

"Mr. R. Sree Hari

Mr. Varghese John for Mr. Thomas Mathew Nellimoottil

The OA is belated and there is no application for condonation of delay. It is also to be noted that though the applicant relied upon a judgment of the Hon'ble Mumbai High Court and subsequent clarification made by the Hon'ble Supreme Court, there is no explanation for delay to approach this Tribunal or any authority by the applicant. Hence, this OA may be moved with an application for condonation of delay. List as and when such an application is filed."

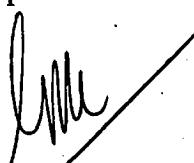
3. On 27.07.2011 when the case was called up, none appeared for the parties. We adjourned this case to 29.08.2011 on which date also it was again adjourned for 26.09.2011 for hearing. The office has noted that despite the order dated 5.3.2010, no application for condonation of delay is filed.
4. When the matter was taken up for consideration today, neither the applicant nor his counsel appeared. However, we have heard the learned counsel for the respondents. In the light of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987, we proceed to dispose of this matter.
5. This application is highly belated and no application for condonation of delay is filed. As per Section 21 of the Administrative Tribunals Act, 1985 the Tribunal shall not admit an application unless the application is made within one year from the date of which final order is made. In case any representation is made and not considered for a period of six months, within one year from the date expiry of six months, the sub section (3) of



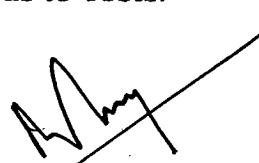
Section 21 provides for condonation of delay on application being made. In this case the claim relates to the period from 1961 to 1963 and this application itself is filed only in 2010. The inordinate delay has not been explained by filing a petition for condonation of delay. Even on merits the applicant has no case.

6. In the reply statement it is brought to our notice that till his retirement, no grievance has been made for redressal. Annexure A-5 dated 5.3.1997 is addressed to BSNL but however, BSNL was formed only in 2000. Annexures A-3 and A-4 judgments were issued in 1985 and 1986. If those judgments were applicable, the applicant had sufficient time before his retirement to vindicate his grievances. He did not move his little finger in claiming the benefit within one year after the judgment.

7. In the circumstances, there is no merit in the application as above. The Original Application is accordingly dismissed. No order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

“SA”