

OA- 47 of 1996

Shri. Rameshwar Singh.

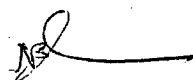
1/8.1.96

Shri. N. K. Lal..... Registrar.

...

Learned Counsel Shri. Askand Kumar Verma is present on behalf of the applicant. The objection regarding defect in verification stands waived. The application appears to be in order. Let therefore be application be registered and referred to the Hon'ble Bench for hearing on admission, fixing 25.1.96.

FKL


(N. K. Lal)
Registrar

101.96

Hon'ble Mr. N.Sahu, Member (A).

.....

This is a Division Bench matter. Adjourned to
06.03.1996 for admission.

N. Sahu
(N.Sahu)
Member (A)

SK

27.03.96

Hon'ble Mr. K.D.Saha, Member (A)

.....

Adjourned to 15.04.1996 for admission.

K.D. Saha
(K.D.Saha)
Member (A)

*To be listed
on 4.4.96
as per order
of Court*

3./ 4.4.96. Counsel for the applicant : Shri A.K. Verma.

Order

3/4/96

Heard Shri A.K.Verma, the learned counsel for the applicant. This is a matter regarding communication of adverse remarks in the ACR for the year 1985 which was communicated to the applicant in June, 1986. The adverse remarks was related to his impaired vision which has resulted in lack of proper supervision. This adverse remarks was repeated in a number of years thereafter. The applicant had made representation against it in 1985 and also in 1988 to which no reply was given by the respondents. However, he had not sought any relief in regard to that representation in 1988 so far and has come to this Tribunal only now.

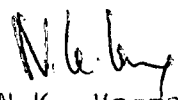
Shri Verma also mentioned that due to those adverse entries which was made in several years after 1985, the applicant missed his promotion and has now retired in 1995.

2. On my inquiry as to why no application under A.T. Act was made well within time soon after representation in 1988 was not replied to, the learned counsel for the

OA - 47/96

applicant was not able to explain. He has been trying to have this matter admitted on question of urgency even though it is Division Bench matter. I find ^{time} that the prayer made in this OA is hopelessly barred and there is no urgency about the adjudication in the matter as the applicant has already suffered prejudice caused to him due to adverse entries made in the ACR and eventually retired without promotion. Since this is a Division Bench matter and can be adjudicated by the Division Bench, I direct that ~~let~~ this matter be put up before the appropriate Division Bench for admission and disposal as and when the same is available.


/CBS/


(N.K. Verma)
Member (A)

4/4.10.1996

None appears. Adjourned to 15.11.1996
for hearing on admission.

MPS.


(K.D. Saha)
Member (A)


(V.N. Mehrotra)
Vice-Chairman

5/15.11.1996

Adjourned to 16.12.1996 for admission.

[Signature]

(V.N. Mehrotra)
Vice-Chairman

MPS.

*may be heard
on 11/12/96
as per order
of Hon'ble and
18/11/96*

6/11.12.96

Shri P.K.verma, Counsel for the applicant.

List on 13.01.1997 for admission as prayed for.

SKJ

(D. Purayastha)
Member(J)

[Signature]
(K.D. Saha)
Member(A)

6/13.01.97

List on 19.02.1997 for admission.

[Signature]

SKJ

(V.N. Mehrotra)
Vice-Chairman

7./ 19.2.97.

List it on 14.4.97 for hearing on admission.

[Signature]

- /CBS/

(V.N. Mehrotra)
Vice-chairman

8

15.4.97

List on 4.6.97 for hearing on admission.

[Signature]

CM

(V.N. Mehrotra)
Vice-Chairman

9/04.06.97

List on 13.08.1997 for hearing on admission.

[Signature]

SKJ

(V.N. Mehrotra)
vice-Chairman

OA-47/96

10/18.8.97

List on 16.10.97 for hearing on admission.

SKS

(V.N.Mehrotra)
Vice-Chairman

11/16.10.97. List it on 19.12.97 for hearing on admission.

/CBS/

(V.N. Mehrotra)
Vice-chairman

12/19.12.97

Since Bench is not available, case is
adjourned to 25.02.1998 for admission.

SKJ

(V.K.Srivastava)
Dy. Registrar

13/25.02.98

None for the applicant.

List on 14.05.1998 for admission.

SKJ

(L.R.K.Prasad)
Member(A)

(V.N.Mehrotra)
Vice-Chairman

14/14.05.98

None for the applicant.

List for admission on 04.08.1998.

SKJ

(L.R.K.Prasad)
Member(A)

(V.N.Mehrotra)
Vice-Chairman

15/04.08.98

None for the applicant.

Nobody appears for the applicant today also.
The O.A. is dismissed for default.

SKJ

(L.R.K.Prasad)
Member(A)

(V.N.Mehrotra)
Vice-Chairman

OA 47/96

16/4.6.99 Shri Praveen Kr. Verma , Counsel for the applicant.

This OA has been restored vide order dated 4.6.99 passed in MA 176/99. Let it be listed for admission on 15.7.99 .

AKJ

(L.JHA)
MEMBER (J)

L.R.K.PRASAD)
MEMBER (A)

17./ 15.7.99.

Shri A.K. Verma, the counsel for applicant.

Upon hearing the counsel for the applicant, it is directed that notices be issued to the respondents to show cause as to why this OA be not admitted for hearing, subject to keeping the point of limitation open till the hearing on admission. Show cause reply may be filed within six weeks. Rejoinder, if any, may be filed within one week thereafter. Requisites may be filed within one week. List it on 15.9.99 before the Registrar for completion of pleadings.

/CBS/

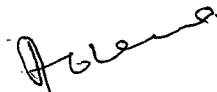
(L.R.K. PRASAD)
MEMBER (A)

(S. NARAYAN)
VICE-CHAIRMAN

Requisites
Filed on
22.7.99
with stamp
of 22.7.99
Notices
issued on
26.7.99
A.K.J.

18/15.9.99


None for the parties. Notices were issued to respondents 1 to 3 on 26.7.99. SR not received. By efflux of time notices are deemed to be served on respondents. Show-cause not filed. List the record before me on 26.10.99 for filing W/s and completion of pleadings.


(A.K. Verma)
Registrar

SRK

19/26.10.99

None for the parties. Show-cause not filed. List the record before me on 15.11.99 for filing show-cause.


(A.K. Verma)
Registrar

SRK

20/16.11.99

None for the parties. Show-cause not filed. As it is an old case, list the record before me on 29.11.99 for filing show-cause.


(A.K. Verma)
Registrar

SRK

21/29.11.99

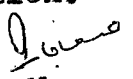
Shri Prabin Kumar Verma appears of behalf of the applicant. None for the respondents. Show-cause not filed. As it is a old case, list the record before me on 8.12.99 for filing show-cause.


(A.K. Verma)
Registrar

SRK

22/8.12.99

Shri P.K. Verma appears on behalf of applicant. None for the respondents. Show-cause not filed. The learned counsel for applicant prays that the record be sent before the Hon'ble Bench. This is an old case and five adjournments have been granted to respondents for filing show-cause, but, show-cause has not been filed. List the record before the Bench on 13.12.99 for direction.


(A.K. Verma)
Registrar


SRK

23/13.12.1999 Shri A.K. Verma, counsel for the applicant.

Even though, the notices were issued in this case in July, 1999, the respondents have not bothered to file written statement. By way of last chance, four weeks further time is allowed to file the same, failing which, the case may have to be listed for ex-parte hearing. List it for hearing on 27.1.2000.


(Lakshman Jha)

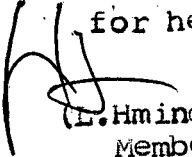
Member (J)



(L.R.K. Prasad)

Member (A)

MFS.

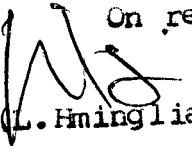
24/27.01.2000 For want of time, list it on ~~24~~ 03.03.2000 for hearing.


(L. Hmingliana)
Member (A)


(S. Narayan)
Vice-Chairman

SKJ

25/03.03.2000 Shri A.K. Verma, counsel for the applicant. On request, list it on 14.04.2000 for hearing.


(L. Hmingliana)/M(A)


(S. Narayan)/V.C.

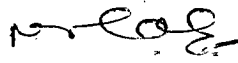
SKJ


2/s filed
1.3.2000

Topro
3.2000

26./ 17.4.2000.

For want of time, hearing is adjourned to
24.5.2000.


(L.R.K. PRASAD)
MEMBER (A)



(S. NARAYAN)
VICE-CHAIRMAN

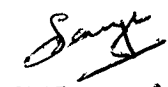
27. / 24.5.2000.

Shri L.B.P. Verma, the counsel for the applicant.

None for the respondents.

It is informed that the Sr. Standing Counsel
appearing on behalf of the respondents is said to be physically
unwell. That being as such, we direct that this matter be
listed on 21.7.2000 for hearing.

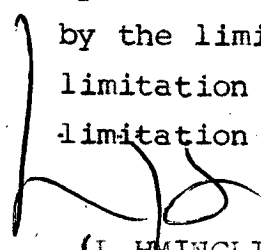
/CBS/ 
(L.R.K. PRASAD)
MEMBER (A)


(S. NARAYAN)
VICE-CHAIRMAN

28/21.7.2000 Sh. L.B.P.Verma, counsel for the applicant.
None for the respondents.

It appears from the record dated 4.4.96
passed by Single Member Bench of this Tribunal that the
application is hopelessly time barred. However he is directed
to place the matter before the ~~Double~~ Bench. The applicant
filed one MA No. 19/97, for reviewing the aforesaid order
by which it was observed that the OA was hopelessly barred
by the limitation. Thus, it is clear that the question of
limitation is still wide open. List it for hearing on
limitation on 23.8.2000 . . .

AKJ


(L. HINGLIANA)
MEMBER (A)


(L. JHA)
MEMBER (A)

O. A. 47/96

29/24.8.2000

Shri A.K. Verma, counsel for the applicant.

On request, list it for hearing

on 3.10.2000.

MPS.

(L. Hmingliana)
Member (A)

(Lakshman Jha)
Member (J)

30/3.10.2000

Shri A.K. Verma, counsel for the applicant.

On request, list it for hearing

on 12.10.2000.

MPS.

(L. Hmingliana)
Member (A)

(Lakshman Jha)
Member (J)

31/12.10.2000

Shri A.K. Verma, counsel for applicant

None for the respondents. List it for
hearing on 5.12.200.

SKS

(L. Hmingliana)/M(A)

(L. Jha)/M(J)

32/05.12.2000 : For want of time, the hearing is adjourned to
02.02.2001.

skj

(L. R. K. Prasad)/M(A)

(S. Narayan)/V.C.

33/2.2.2001

Shri A.K. Verma, counsel for the applicant.

On request, list it for hearing

on 20.3.2001.

MPS.

(L. Hmingliana)/M(A)

(L. Jha)/M(J)

DA - 47/96

34./ 20.3.2001:

For want of D.B., list it on 24.4.2001 for hearing.

/CBS/

(L.HMINGLIANA)/M(A)

35/24.4.2001

For want of time hearing is adjourned
to 16.7.2001.

(L.R.K.Prasad)
Member (A)

(S.Narayan)
Vice-Chairman

MA

36/16.07.2001 For want of D.B., hearing is adjourned
to 07.09.2001.

SRK/

(L. HMINGLIANA)/M(A)

37/07.09.2001 : None for the applicant.

Shri D.Chowdhury, counsel for the respns.
The matter is of the year 1996. However,
by way of last chance, one adjournment is given. Be
listed on 18.10.2001 for hearing.

skj (L.R.K.Prasad)/M(A)

(B.N.Singh Neelam)/V.C.

38

18.10.01
CM

List it on 12.11.2001 for hearing.


(L.R.K.Prasad)
M(A)

(B.N.Singh)
V.C.

DA - 47/96

39./ 12.11.2001 For want of time, hearing is adjourned to 4.12.2001.

/CBS/


(L. Jha)/M(J)


(L.R.K. PRASAD)/M(A)


40

4.12.01


Shri A.K.Verma..Counsel for applicant
Shri V.M.K.Sinha..Counsel for respondents.

CM


Learned counsel for both sides present.
For better appreciation of the case, the
learned senior Standing Counsel representing
the respondents has to produce on the next
date minutes of the D.P.C. which ^{with record} was passed
for not granting promotion to the applicant.
Be listed on 16.1.2002 for hearing.


(L.R.K. Prasad)

M(A)



(B.N. Singh Neelam)
V.C.

41/16.1.2002 Be adjourned for hearing to 27.2.2002.


SKS (L.R.K. Prasad)/M(A) (B.N. Singh Neelam)/V.C.

42/27.02.2002 : For want of time, hearing is adjourned to 03.04.2002.


skj (S.Jha)/M(A)


(B.N. Singh Neelam)/VC

43./ 3.4.2002. The learned Sr. Standing Counsel for the respondents informs that some records had been called for, but the same has not been made available as yet. He, therefore, requests for adjournment.

2. The learned counsel for the applicant informs that there are some paging mistakes in the application, He, therefore, seeks permission to carry out necessary corrections. He is permitted to carry out necessary corrections with regard to pagination. List it on 2.5.2002 for hearing.

/CBS/

(SARWESHWAR JHA)/M(A)

44/02.05.2002 : It is a DB matter. List it on 27.05.2002 for hearing.

skj.

(S.Jha)/M(A)

45/27.5.02 For want of time, be listed it for hearing on 17.7.2002.

SKS

(S. Jha)/M(A) (B.N.Singh Neelam)/VC

46/17.7.2002

For want of time, be listed for hearing

on 1.8.2002.

MES.

(S. Jha)/M(A)

(B.N.Singh Neelam)/VC

47/1.8.2002

For want of time, be listed for hearing

on 26.8.2002.

MPS.

(S. Jha)/M(A)

(B.N.Singh Neelam)/VC

48/26.8.2002

For want of time, be listed for hearing

on 9.10.2002.

sks

(S. Jha)/M(A)

(B.N.Singh Neelam)/VC

49./ 9.10.2002. Both sides are present. List it on 27.11.2002 for hearing.

/CBS/

(S. JHA)/M(A)

50/27.11.2002

Be listed for hearing on 7.1.2003.

MPS.

(L.R.K. Prasad)/M(A)

(B.N.Singh Neelam)/VC

51

7.1.03

CM

Proxy counsel prays for time because of conducting Lawyer is indisposed. Be listed on 29.1.2003 for hearing.

(S. Jha) M/A

(B.N.Singh Neelam) V.C.

52

29.1.03

CM

For want of D.B., be listed on 27.2.2003 for hearing.

(B.N.Singh Neelam) V.C.

53

27.2.03

CM

For want of D.B., be listed on 17.3.2003 for hearing.

54/17.3.03.

(B.N. Singh Neelam) VC

For want of D.B. let it be listed for hearing on 25.03.

npe

(S. Jha) / M(A)

55/02.05.2003 : For want of time, be listed on 02.07.2003 for hearing.

skj

(S. Jha) / M(A)

(B.N. Singh Neelam) / VC

56/2.7.2003 Be listed for hearing on 4.9.2003.

sks

(S. Jha) / M(A)

(B.N. Singh Neelam) / VC

57/4.9.03

For want of D.B., be listed on 24.9.03 for hearing.

SRM

(S. Dogra) / M(A)

Both sides are present. On their request, let it be listed for hearing on 11.11.03.

(S. Jha) / M(A)

(B.N. Singh Neelam) / VC

Later on:- At this stage, it has come to our notice that the OA has, in fact, been dismissed as not being preferred in time as also the applicant not taking interest. Therefore, these MAs were not maintainable. In view of this fact, we suo moto recall our order passed in MA 428 of 2003 and 429 of 2003 whereby this OA was restored to its original No. on 30.12.2003 while disposing of these MAs. As this fact was not pointed out by the learned counsel for the applicant that the OA was also dismissed by the Court as not being preferred in time while disposing it of on 11.11.2003. List this case on 2.1.2004 for direction.

/CBS/

(M. JHA) M(A)

(S. DOGRA) M(J)

Note for the applicant: Case called twice.
60./ 2x2x 2.1.2004. Since the order passed in MA 428 of 2003 by virtue of which this OA was restored has been recalled ^{on the basis} ~~in view~~ of the fact that the said OA 47 of 96 had been dismissed by this Court on the point of limitation. Therefore, this OA stands disposed of in terms of the order passed by this Court on 11.11.2003.

/CBS/

(M. JHA) M(A)

(S. DOGRA) M(J)

58./ 11.11.2003.

O R D E R

None for the applicant.

Shri V.M.K. Sinha, the learned Sr.S.Counsel
for the respondents.

Matter is called out repeatedly. No one appears on behalf of the applicant. Shri V.M.K. Sinha, the learned counsel representing the official respondents has drawn our attention to the order sheet dated 4.4.1996 and subsequent order sheet. It is submitted that this OA is hopelessly time barred. However, this point of limitation was kept open to be decided at the time of hearing. It is further pointed out that the matter is listed under the heading for hearing, but the matter has not yet been admitted. ~~xxxx~~

2. Since the matter is hopelessly time barred and because of non-appearance of the applicant, this is a fit case for dismissal.

3. In the back-ground of the case we have perused the relevant order sheet, and in the light of the submission made on behalf of the respondents, in our opinion too, ~~xxx~~ perhaps the applicant has lost interest in pursuing the matter. The matter cannot be dragged from date to date. It has also come in light that even on previous occasion, this OA was dismissed for default, though subsequently restored.

4. In the back-ground of the facts as detailed above, this OA so filed, thus, stands dismissed as not being preferred in time and as also applicants not taking interest. The matter stands disposed of accordingly.

/CBS/ (MANTRESHU JHA)/M(A)

(B.N. SINGH JEE)
V.C.

59./ 30.12.2003. In terms of today's order passed in MA 428, this OA stands ~~disposed~~ restored, and is directed to be listed on 16.1.2004 for hearing.

/CBS/ (M. JHA) M(A)

(S. DUGRA) M(J)

OA-47/96

Shri S.K.Verma, counsel for applicant

Shri V.M.K.Sinha, Sr.S.C. for respondents

60/16.1.2004

This OA has been wrongly listed under heading "hearing" in spite of the fact that MA by virtue of which the OA was restored to Original No. on 30.12.03 has already been recalled and was dismissed as not maintainable while passing the order in MA -428/03 on 2.1.04 for the reasons that the said OA was dismissed for non-appearance of the applicant as well as on the point of limitation on 11.11.03. Therefore, no further order is required to be passed in this OA as the same stands disposed of on 11.11.03.

sks

(M.Jha)/M(A)

Shyama Dogra
16/1/04
(Shyama Dogra)/M(J)