

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, BANGALORE

ORDER SHEET

Application No. 1587 of 1986.

Applicant

O.S. 609/83 on the file of Respondent  
Pol. Munsif Belgaur

Advocate for Applicant

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
23.7-86.	<p>This Suit is obtained from the court of Pol. Munsif Belgaur u/s 29 of AT Act 85.</p> <p>The above Suit is for declaration. The value of Suit for the purpose of jurisdiction is Rs 2459/- C.F. paid is Rs 100/-. It seems that there is a DCF in the above Suit.</p> <p>Written Statement of D-2 has been filed. Matter is ready. Notice may be issued to both the parties intimating fresh date.</p> <p>A date may be fixed for intimation to parties.</p> <p>Registrar <u>23/7</u></p>	

Notice to the  
parties through their  
respective advocates  
post before send  
on 26.8.1986 for  
further proceedings.

Done  
23/8/86

Notice issued to the parties  
through their respective  
advocates on 21/8/86

Notice served to <sup>21/8/86</sup> the Applicant.  
26.8.1986.

Applicant present in person. There is nothing on record to show that all the three defendants in O.S. No. 609/83 filed in the Court of the Prl. Munsiff, Belgaum, which has since been transferred to this Bench, have been served with notices for today's hearing. In view of this, let fresh notices issue to the parties fixing 1.10.1986 as the date before which the defendants/respondents should appear in person or through their counsel.

The applicant submits that his financial position is such that he is not in a position to perform frequent journeys from Belgaum (where he is residing) to Bangalore, and in view of this, a firm date ~~may~~ may be given. The date will be fixed after the respondents enter appearance. We exempt the applicant from attending Court on 1.10.1986. List the case on 1.10.1986 for fixing date of hearing.

*(L.H.A. REGO)* (CH. RAMAKRISHNA RAO)  
MEMBER (AM) MEMBER (JM)  
29.8.86 29.8.86

**IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL ADDITIONAL BENCH,  
BANGALORE**

A. NO. 1587/86 (T)

Order Sheet (contd)

Date	Office Notes	Orders of Tribunal
26/8/86	<p><u>I.A. for advancing the date gth.</u></p> <p>Applicant has filed an I.A. Praying to Post this Case on <u>16-9-86</u>, instead of 1-10-86, as the former Case 1589/80 (T) is posted on that day.</p> <p>For orders pl.</p> <p>S 9/9/86.</p> <p>R. <i>[Signature]</i> 10/9/86</p> <p>Registrar. As notices are served &amp; no order issued <del>under</del> <sup>in</sup> <del>the</del> <sup>the</sup> <del>case</del> <sup>case</sup> we can may <del>in</del> <sup>be</sup> postponed</p> <p>Pur 10/9</p>	
17-9-86.	<p>Applicant's letter dt-13-9-86 may be seen w.r.t. above note. No action is called for as the case stands posted for 1-10-86.</p> <p>S 24/9</p> <p>R. <i>[Signature]</i> 25/9/86</p> <p>Registrar. <del>Call</del> Post below bench on 1-10-86</p> <p>R 24/9</p>	

Date	Office Notes	Order of Tribunal
1.10.1986	<p><u>R-10-86</u></p> <p>Before</p> <p>The Hon'ble Mr Justice K.S. Pattabiraj</p> <p>The Hon'ble S. P. Subramanian (MCA)</p> <p>Applicant Absent</p> <p>Sri M.V. Rao for Petitioner</p> <p>Application Dismissed order dated</p> <p>By D CO Ch,</p>	<p>KSP(VC)/PS(M)</p> <p>This application was posted for hearing today but the applicant is not present even though notice has been served on him. Shri M. Vasudeva Rao appears for respondents.</p> <p>This is a transferred application received from the Court of Principal Munsiff, Belgaum. The applicant's claim is in regard to fixation of his pay as on 1.1.1973 while implementing the recommendation of the 3rd Pay Commission. We find that he filed the suit on 18.11.1983 i.e., 10 years after the cause of action arose. The delay exceeds the period of limitation fixed for filing suits.</p> <p>Apart from this we are not prepared to upset a settled order of things after so many years. As we have said the applicant filed the suit after 10 years by which time he had even retired from service. Whatever be the merits of the case, the applicant was not diligent in pursuing his rights within a reasonable period of time. We are, therefore, not prepared to go into the merits of the case at this late stage.</p>

**IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL ADDITIONAL BENCH,  
BANGALORE**

**ORDER SHEET**

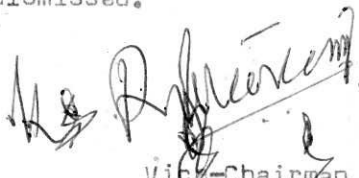

Application No 1587 of 1986 (T)

Applicant

Respondent

Advocate for Applicant

Advocate for Respondent

Date	Office Notes	Orders of Tribunal
	<p>Vide order of Bench dt. 1.10.86.</p> <p>Applicant has filed a Memo praying that final hearing may be held today and for allowing the Applicant to amend his original Suit. Application is already dismissed and orders are yet to be communicated.</p> <p>Applicant has also prayed for hearing of A. No. 1589/86 (T) today. A. No. 1589/86 (T) has <sup>also</sup> already been dismissed. For orders please.</p> <p style="text-align: right;">A. No. 27/10/86</p>	<p>We, therefore, reject this application as badly delayed. In the result the application is dismissed.</p> <p style="text-align: center;">   Vice-Chairman  1.10.1086 </p> <p style="text-align: center;">   Member (A)  1.10.86 </p> <p>bsv</p>

Receipts. Sec. has filed  
Supra all order for  
review. Please file  
2/1/86

Date	Office Notes	Orders of Tribunal
<p>OC is added 10/11</p>		