

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 1ST DAY OF APRIL, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
&  
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 1706/86

Shri Thimma,  
S/o Thimmarayappa,  
Gangman,  
Gate L.C.K. H.15/3-4  
P.W. Tumkur Section,  
Southern Railway,  
Bangalore.

... Applicant

(Shri Vishnu Bhat, Advocate)

v.

The Divisional Railway Manager,  
Bangalore Division,  
Southern Railway,  
City Railway Station,  
Bangalore.

... Respondent

(Shri A.N. Venugopal, Advocate)

This application having come up for hearing  
to-day, Vice-Chairman made the following.

ORDER

In this application made under Section 19 of  
the Administrative Tribunals Act, 1985 ('the Act'),  
the applicant has challenged the order of reversion  
made against him on 2.7.1979 and the application  
itself is made before this Tribunal on 9.9.1986.  
In I.A. No.1, filed under Section 21 of the Act,  
the applicant has sought for condoning the delay in  
filing the application.

2. Shri Vishnu Bhat, learned counsel for the applicant, contends that all the facts and circumstances constitute sufficient cause for condoning the delay, <sup>admit</sup> the application and decide the same on merits in conformity with the decision of the High Court of Karnataka in W.P. No. 4490/80.

3. Shri A.N. Venugopal, learned counsel for the respondents, contends that the grievance or the cause of action arose prior to 1.11.1982, and therefore this Tribunal cannot entertain this application, much less condone the delay. In support of his contention, he strongly relies on rulings of the Principal Bench of this Tribunal in ATR(1) 1986 CAT 203 (V.K. MEHRA v. THE SECRETARY (DELHI)) and a Division Bench of the Bombay Bench in (1986) 1 ATC (Bom) 514 (PARAMU GOPINATH ACHARY v. UNION OF INDIA) to which decision one of us (Hon'ble Sri. P. Spinivasan (AM)) was a party.

4. Admittedly the order of reversion made on 2.7.1979, is challenged in an application made under Section 19 of the Act filed on 9.9.1986. In V.K. MEHRA'S case, the Principal Bench, speaking through Justice Madhava Reddy, Hon'ble Chairman, had ruled that the Act does not xxxx empower the Tribunal to take cognizance of a grievance arising out of an order made prior to 1.11.1982. In PARAMU GOPINATH ACHARY'S case, the Bombay Bench, to which one of us

(Hon'ble Shri P. Srinivasan) was a party has also expressed a similar view. On the principles enunciated in these cases, which are binding on us, this application made on 9.9.1986, cannot be entertained by us.

5. When once we hold that this application cannot be entertained the question of condoning the delay, if any, does not arise. We, therefore, reject this application as incompetent and not maintainable. But in the circumstances of the case, we direct the parties to bear their own costs.

N.S. Krishnamurthy  
Vice-Chairman 1/4/1987

P. Srinivasan  
1/4/1987  
Member (A)

dms/Mrv.