

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE 12TH MARCH, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,  
And .. Vice Chairman.  
Hon'ble Mr. L.H.A. Rego, .. Member (A)

APPLICATION NO. 883 OF 1986  
(W.P.NO.13506/82)

Vaman Kuppaiah Hegde,  
Aged about 40 years,  
Postal Clerk (now working as  
Radio Licence Inspector)  
Head Post Office, Sirsi,  
District Uttara Kannada. .. Applicant.

(By Sri V.K. Kulkarni, Advocate)

v.

1. The Director General,  
Posts and Telegraphs,  
Ministry of Communications,  
New Delhi-1, Government of  
India.
2. Post Master General  
Posts & Telegraphs,  
Karnataka Circle, Bangalore-1.
3. KN/IPO-276 N.T. Gange (APS)  
Major, Karwar Division,  
C/o Superintendent of Post  
Offices, Karwar, U.K.
4. KN/IPO-288 R. Kanagarajan (APS)  
Major, Belgaum Division, C/o  
Superintendent of Post Offices,  
Belgaum, Division Belgaum,
5. KN/IPO-57 S.S. Lalsingi (APS)  
Major, Belgaum Division,  
C/o Superintendent of Post  
Offices, Belgaum Division,  
Belgaum.
6. KN/IPO-234 K. Thania Naik (ST)  
(APS) Puttur Division, C/o  
Superintendent of Post Offices  
Puttur Division, Puttur,  
South Kanara District. .. Respondents.

(By Sri M.S. Padmarajaiah, Advocate for  
Respondents 1 and 2).

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA),  
Indiranagar,  
Bangalore - 560 038

Dated : 26-6-87

REVIEW APPLICATION NO 43 / 86( )  
IN APPLICATION NO. 883/86(T)

W.P. NO                     

Applicant

Shri V.K. Hegde

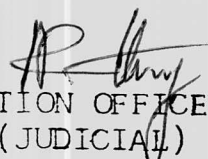
V/s The DG, Dept of Posts & Ors

To

1. Shri V.K. Hegde  
Assistant Post Master  
Sirsi - 581 401  
Uttara Kannada District

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/  
~~XXXXXXXXXXXX~~ passed by this Tribunal in the above said  
application on 22-6-87.

  
SECTION OFFICER  
(JUDICIAL)

Encl : as above

This application coming on for hearing this day, Vice-Chairman made the following:

O R D E R

In this transferred application received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 ('the Act'), the applicant had sought for annulling the results of departmental examination held for the posts of Inspector of Post Offices, Karnataka Circle and a direction to respondents 1 and 2 to hold a fresh examination.

2. The applicant, who appeared for the examination held on 24-7-1981 to the posts of Inspector of Post Offices, had failed in that examination. He claims that the same was not properly held and therefore the same should be reheard and he should be afforded an opportunity to appear for such an examination and his case for promotion ~~then~~ considered on the basis of those results.

3. In justification of their action, the respondents have filed their reply.

4. Shri V.K.Kulkarni, learned counsel for the applicant, contends, that on the facts and circumstances, there was every justification to annul the earlier examination and issue a direction to hold a fresh examination, affording an opportunity to the applicant to appear for that examination.

5. Shri M.S.Padmarajaiah, learned Senior Standing Counsel for the Central Government, refuting the contention of Shri Kulkarni, contends that the applicant

cant who had failed in the examination cannot make any grievance of the method and manner of holding examinations, much less, seek for a direction to hold a fresh examination to enable him to pass in that examination.

6. Admittedly, the applicant who appeared for the examination held on 24-7-1981, had failed in that examination. We do not find any legal infirmity in the examination held on 24-7-1981. When that is so, this Tribunal cannot sit as a Court of Appeal and hold that the failure of the applicant was unjustified. If that is so, then a direction to hold a fresh examination, cannot also be granted. We see no merit in any of the claims made by the applicant.

7. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

*[Signature]*  
VICE-CHAIRMAN  
12/3/1987

*[Signature]*  
MEMBER(A)  
12.3.1987

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE

Present : Hon'ble Justice Shri K.S.Puttaswamy Vice-Chairman  
Hon'ble Shri L.H.A.Rego Member

DATED THIS 22nd June, 1987

REVIEW APPLICATION No. 43/87

V.K.Hegde,  
Asst.Post Master,  
Sirsi(NK) - 581 401.

...

Applicant

Vs.

The Director General,  
Department of Posts,  
New Delhi and others.

...

RESPONDENTS

This application has come up before the court today. Hon'ble Justice Sri K.S.Puttaswamy, Vice-Chairman made the following :

O R D E R

Case called. Applicant in person. We have heard the applicant.

2. In this application made under Section 22(3)(f) of the Administrative Tribunals Act, 1985, the applicant has sought for a review of our order dated 12.3.1987 dismissing his application No.883/86.

3. The application was heard and decided by us on 12.3.1987 in the presence of the learned counsel for the applicant, Sri V.K.Kulkarni who then represented him. We dictated our said order in the presence of the learned counsel for the applicant. But this application for review is made by the applicant on 11.5.1987. Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, provides for filing a review applications within 30 days from the date of the order. The period of 30 days has to



be counted from the day the order was made and not from the date the order was communicated as urged by the applicant. From this it is clear that this application which is clearly barred by time is liable to be rejected on that ground.

4. We have also examined the merits.

5. In our order, we have held that the applicant had not passed the examination held on 24.7.1981. But the applicant contends conclusion is erroneous on facts. In a review we cannot examine our order as if we are a court of appeal and come to a different conclusion. On this view also this application is liable to be rejected. We, therefore, reject this application at the admission stage without notice to the respondents.

Sd/-

VICE-CHAIRMAN

Sd/-

MEMBER

26-987

- True copy -

AP-26/6/87  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE