

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE 18TH AUGUST, 1987

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

APPLICATION No. 1737/86(F)

S.M. Pattan~~ka~~ik,
(Indian Administrative Service),
Karnataka Cadre,
Presently: Managing Director,
Karnataka Silk Industries Corporation,
Public Utility Building,
M.G. Road, Bangalore-1.

Applicant

(Shri B.R. Hegde... Advocate)

1. The State of Karnataka,
through the Chief Secretary,
Vidhana Soudha, Bangalore,
2. Chief Secretary to Government
of Karnataka, Vidhana Soudha,
Bangalore.

Respondents

(Shri S.M. Babu... Advocate)

This application has come up for hearing
before this Tribunal to-day, Hon'ble Member (A)
made the following :

O R D E R

Application No. 1737/86(F) was disposed of
by this Tribunal by order dated 22.4.1987. In
that order we had held that the applicant who
was complaining against an adverse entry in
his character roll had not exhausted all the
remedies available to him and in pursuance of
Section 20 of the Act, we directed (1) the
applicant to file an appeal against the adverse
remarks and (2) the authorities concerned to
dispose of the said application within two
months of its receipt.

2. The Respondents in that application have
now sought an extension of time to dispose of

P. Srinivasan

the appeal filed by the applicant by two months. Shri S.M. Babu appearing for the State of Karnataka submits that the matter has been referred to the Central Government for a final decision and then reply has not yet been received. He, therefore, submits that an extension of time may be allowed for obtaining the decision of the Government of India. Shri Hegde opposes this submission and states that the matter has been already delayed and any further delay would affect his client's interests in the matter posting, though he is not due for promotion to the next grade at the moment. Having considered the arguments of both counsel, we feel that Respondents should be allowed an extension of time of about one month to comply with the directions of this Tribunal. Respondents will dispose of the applicant's appeal positively before 30.9.1987 and we make it clear that no further extension of time will be allowed.

3. The applicant in the said A. No. 1737/86(F) has sought a review of our order dated 22.4.1987. The Registry has not yet given a number to the review application. It should be done now.

4. Shri Hegde appearing for the applicant contends that we committed an error in our dated 22.4.1987. According to him when an application is admitted by this Tribunal all proceedings pending with any other authority automatically abate. That being so, this Tribunal ought to have disposed of the application on merits and not in the manner

P. Hegde

it did by directing the applicant to file an appeal and Respondents to dispose of it. To this extent, according to Shri Hegde, there was a mistake apparent from the records.

4. Having considered the submissions of Shri Hegde, we are not satisfied that this is a case which calls for review. Merely because all other proceedings abate when an application is filed, that does not restrict the powers of this Tribunal to dispose of the application in the manner it thinks fit to do. If at the hearing it is found that all remedies had not been exhausted, this Tribunal certainly has the power to direct the applicant to exhaust his departmental remedies before coming to this Tribunal and to ~~dismiss~~ ^{of} dispose of the application with such a direction. We do not see any mistake or error apparent from the record which justifies a review.

5. It is needless to say that in review we do not sit as an appellate authority to reconsider a decision rendered in the original application. The Review Application, therefore, deserves to be rejected.

6. In the result this Review Application is rejected.

K.S. Puttaswamy
(K.S. PUTTASWAMY)
VICE-CHAIRMAN

18/8/87

P. Srinivasan
(P. SRINIVASAN)
MEMBER(A)

18/8/87

sb.

REGISTERED

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

Dated : 24/8/87

IA II IN APPLICATION NO 1737 /86(F) & RA 110/87

W.P. NO

Applicant

Shri S.M. Pattanaik

V/s

The Chief Secy, State of Karnataka
and another

To

1. Shri S.M. Pattanaik
Managing Director
Karnataka Silk Industries Corporation
Public Utility Building
M.G. Road
Bangalore - 560 001

2. Shri B.R. Hegde
Advocate
No. 247, 1st Stage
Indiranagar
Bangalore - 560 038

3. The Chief Secretary
State of Karnataka
Vidhana Soudha
Bangalore - 560 001

4. The Chief Secretary
to Govt. of Karnataka
Vidhana Soudha
Bangalore - 560 001

5. Shri S.M. Babu
State Govt. Pleader
Karnatak Administrative Tribunal
Indiranagar, Bangalore - 560 038

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said

application on 18-8-87. RA has been registered as 110/87.

B.V. Venkatesh
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

Encl : as above

RECEIVED 25-08-87

Diary No. 1054/87/13

Date: 25/8/87