

REGISTERED

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

Dated : 6-7-87

APPLICATION NO 329 /87 (F)

W.P. NO /

Applicant

Shri B. Ranga Joshi v/s The PMG, Karnataka & another

To

1. Shri B. Ranga Joshi
Retired Head Post Master
Near Hanuman Garage
Chitpadi, 76 Badagabettu
Udupi - 576 101
2. Shri V.S. Ugrappa
Advocate
C/o Janardana & Janardana
Advocates
Sri Krishna Buildings
Avenue Road
Bangalore - 560 002
3. The Post Master General
Karnataka Circle
Bangalore - 560 001
4. The Director General
Posts & Telegraphs
New Delhi
5. Shri M.S. Padmarajaiah
Senior Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

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

~~NUMBER~~ passed by this Tribunal in the above said
application on 26-6-87.

Encl : as above *Recd copy*

for
SECTION OFFICER
(JUDICIAL)

W. Lee
DTPanbil. O/C.
NSP(LC)
7-7-87

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 26TH DAY OF JUNE, 1987

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

APPLICATION NO. 329/87

Shri B. Ranya Joshi,
S/o. Late B. Venkataramana Joisha,
Retd. Head Post Master,
Karkala.

.... Applicant

(Shri V.S. Ugrappa, Advocate)

v.

1. The Post Master General,
Karnataka Circle,
Bangalore-1.

2. The Director General,
Post and Telegraphs,
New Delhi.

.... Respondents

(Shri M.S. Padmarajaiah, CGSSC)

This application having come up for hearing on
I.A. No.1, Vice-Chairman made the following.

ORDER

ON I.A. NO.1 - APPLICATION FOR CONDONATION OF DELAY.

In this application made under Section 21(3) of
the Administrative Tribunals Act, 1985 ('the Act')
the applicant has sought for condoning the delay of
nearly six years in filing the application under
Section 19 of the Act before this Tribunal.

2. The applicant who has retired from service on
31.5.1982 sought for refixation of his pay for the
period from 1943 to 1944 on diverse grounds, before



the authorities, which was rejected by them more than once. But notwithstanding the same, one of the last desperate attempts made by the applicant was rejected by the Post Master General, Karnataka Circle, Bangalore (PMG) on 13.8.1981 in these words:

" INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Post Master General,
Karnataka Circle,
Bangalore-560 001.

To

The Sr. Supdt. of P.Os.
Puttur (DK) Dn:Puttur-574201

No.AP/32-150 dated at BG-1 the 13.8.81

Sub: Fixation of pay of Shri B.R. Joshi, PM, Karkala
Ref: Your letters No.C5/BRJ dt 16.5.81 and
C5/BRJ dt.15.5.81

..

With reference to his representation dated 14.5.81 and 15.5.81 regarding refixing of his pay taking into account his service as seasonal work from 1943 to 1.6.44 and stepping up of his pay w.r.t. pay of Sri K.P. Shenoy, the official may please be informed that these cases have already been examined and final replies have been given under this office letters of even no. dt.13.10.80 and 17.12.80. He may also be informed that there is no further review of the case is possible and the decision already communicated are final.

Sd/- PMG
Karnataka Circle
Bangalore-560001"



The applicant claims that even after that this order he has submitted a further representation in 1983

before the DG P&T which is still pending before him. This order made by the PMG is not a statutory order against which an appeal lies and therefore, the question of the DG P&T entertaining the same and making any order thereon does not arise.

3. Shri V.S. Ugrappa, learned counsel for the applicant contends that every one of the facts and circumstances narrated by his client in his affidavit constitute a sufficient ground for condonation of delay applying the principles enunciated by the Supreme Court in AIR 1974 page 130 and the observations of Krishna Iyer J in particular at page 136 of the report and the delay be therefore condoned.

4. Shri M.S. Padmarajaiah, learned counsel for the respondents contends that the final order was made against the applicant on 13.8.1981 or well before 1.11.82 and, therefore, this Tribunal has no jurisdiction to entertain the original application as ruled by the Principal Bench in V.K. MEHRA v. SECRETARY (AIR 1986 CAT 203) and therefore the question of condoning the delay does not arise at all.

5. We have earlier reproduced the final order made by the PMG which has only reiterated the many orders made against the applicant from time to time. But we will also assume that was the final order made against the applicant. If the date of that order is taken ,

