

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 29-10-87

APPLICATION NO 543 /87 (F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri K.S. Bhat ,
To
The Senior Supdt of Post Offices,
Mangalore Divn. & 2 Ors

1. Shri K.S. Bhat
Savings Development Officer
Mangalore Head Post Office
Mangalore
2. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
Vth Block, Rajajinagar
Bangalore - 560 010
3. The Senior Superintendent of Post Offices
Mangalore Division
Mangalore - 575 001
4. The Regional Director of Postal Services
Karnataka Circle
Bangalore - 560 001
5. The Member (Personnel)
Postal Service Board
Ministry of Communication
Department of Posts
New Delhi - 110 001
6. Shri M.S. Padmarajaiah
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/~~ORDER~~ passed by this Tribunal in the above said application

on 20-10-87.

Received
copies for B 155
Rohit 21/10/87
AP (re) of O
PMG, Bens

RECEIVED (Date) 21.10.87
Diary No. 1351/CR/87

Date: 21.10.87
Encl: as above.

Jasai
SECTION OFFICER
(JUDICIAL)

9/1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 20TH OCTOBER, 1987

Present: Hon'ble Justice Shri K.S. Puttaswamy Vice-Chairman

Hon'ble Shri L.H.A. Rego

Member (A)

APPLICATION NO. 543/87(F)

K.S. Bhat,
S/o. Marnappayya,
Aged 57 years,
Savings Development Officer,
Mangalore Head Post Office,
Mangalore.

Applicant

(Shri M. Narayanaswamy.....Advocate)

1. Senior Superintendent of Post Offices, Mangalore Division, Mangalore-575 001.
2. The Regional Director of Postal Services, Karnataka Circle, Bangalore-1.
3. Member (P), Postal Service Board, Ministry of Communications, Department of Posts, Government of India, New Delhi-1.

Respondents

(Shri M.S. Padmarajaiah.....Advocate)

This application has come up for hearing before this Tribunal to-day, Hon'ble Justice Shri K.S. Puttaswamy, Vice-Chairman made the following:

O R D E R

This is an application made by the applicant under Section 19 of the Administrative Tribunals, Act, 1985 (the Act).

2. On filing the application there is a delay of 226 days. In IA No.1 filed under Section 21(3) of the Act, the applicant has sought for condoning delay.



3. In IA No.1 the applicant has stated that after the final order of Government was received by him, there was an accident of fire on 14-10-1986 at his house and the same prevented him from making the application within the time allowed by the Act.

4. IA No.1 is opposed by the Respondents.

5. Shri M. Narayanaswamy learned counsel for the applicant passionately urges for condoning the delay and then to admit this application.

6. Shri M.S. Padmarajaiah, learned senior standing counsel appearing for the respondents opposes IA No.1 and the admission of the application.

7. We will assume that there was a fire accident on 14.10.1986 at the house of the applicant, there was also loss of his property as true and correct. But that does not make any difference to decide IA No.1.

8. Admittedly the applicant received the order of Government dated 15.11.1985 a few days thereafter and that order, received by him was not lost in the fire accident. With his usual fairness, Shri Narayanaswamy very rightly produced that order copy for our perusal.

9. When the applicant had not lost the original order copy which is the principal document necessary to approach this Tribunal under Section 19 of the Act, we fail to see as to how the fire accident and the loss of



other property would constitute a sufficient ground to condone the delay of 226 days. Even otherwise the applicant had not explained every days delay after the expiry of the period of limitation provided by the Act. We are of the view that all the facts and circumstances stated by the applicant does not constitute a sufficient ground for condoning the delay of 226 days. On this view IA No.1 and the main application are liable to be rejected.

10. We have also examined whether the order of the Government suffers from any infirmity. We are of the view that the final order of Government was within its jurisdiction and power and does not suffer from any infirmity under the Central Civil Services (Classification, Control and Appeal) Rules 1965 under which the said order had been made. On any view, the final order of Government does not also call for our interference.

11. In the light of our above discussion we reject IA No.1 and the main application. But in the circumstances of the case, we direct the parties to bear their own costs.

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(K.S. PUTTASWAMY)
VICE-CHAIRMAN

(L.H.A. REGO) 22-X-87.
MEMBER (A)

Haseeb
SECTION OFFICER 29/10
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

- True Copy -