

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 10TH DAY OF JUNE, 1987

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

REVIEW APPLICATION NOS.64 to 77/87

1. N.B. Khanaganni,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in R.A. No.64/87
2. P.B. Patil,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.65/87.
3. I.P. Terani,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.66/87
4. E.B. Lokande,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.67/87.
5. G.N. Bhawe,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A. No.68/87.
6. S.S. Sarapure,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.69/87.
7. Ms. P.M. Mahishi
(Smt. V.R. Dambal)
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.70/87
8. S.S. Gouder,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.71/87.
9. B.B. Shaik,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.72/87.

10. Miss. S.N. Bandekar
(Mrs. S.R. Yadav),
Telephone Operator,
Telephone Exchange
Belgaum. Applicant in
R.A.No.73/87.
11. N.S. Kadukar,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.74/87.
12. L.M. Joshi,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.75/87.
13. R.B. Patil,
Telephone Operator,
Telephone Exchange,
Belgaum. Applicant in
R.A.No.76/87.
14. Ms. M.N. Joshi,
(Mrs. P.G. Kulkarni),
Telephone Operator,
Telephone Exchange, Applicant in
Belgaum. R.A.No.77/87.

(Shri S.A.Narayana Prasad, Advocate).

v.

1. Union of India,
By its Secretary,
M/o Communication,
New Delhi.
2. The General Manager,
Telecommunications,
Karnataka Circle,
Gandhinagar,
Bangalore-9.
3. The Divisional Engineer,
Telegraphs Engineering Division,
Hubli Division, Hubli.
4. S.D. Kote Gowder,
Telephone Operator,
Telephone Exchange,
Hirekerur.
5. S.K. Gasti,
Telephone Operator,
Telephone Exchange,
Rabkavi.
6. Smt. K.S. Parvathi,
Telephone Operator,
Telephone Exchange,
Bagalkot.



7. S.T. Naregal,
Telephone Operator,
Telephone Exchange,
Hole Alur.
8. S.N. Shinde,
Telephone Operator,
Telephone Exchange,
Belgaum.
9. K.S. Kulkarni,
Telephone Operator,
Telephone Exchange,
Belgaum.
10. R.N. Bodke,
Telephone Operator,
Telephone Exchange,
Belgaum.
11. A.J. Upadhya,
Transmission Assistant,
Telephone Exchange,
Belgaum.
12. K. Subbanna,
Telephone Operator,
Telephone Exchange,
Belgaum.

..... Respondents common
in all the Applications

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

ORDER

In these applications made under Section 22(3)(f)
of the Administrative Tribunals Act of 1985, the
applicants in A.Nos. 1802-1815/86, which were transferred
applications from the High Court of Karnataka have sought
for a review of our order made on 10.3.87 dismissing
their applications.

2. We dismissed the transferred applications on
substantially two grounds viz., that the applicants




had not challenged the earlier rankings assigned to them and their colleagues as on 1.7.1969 and that even otherwise in challenging the seniority list finalised in 1971 there was a delay of more than 10 years.

3. After hearing the counsel for the parties we dictated our order in the open court on 10.3.87 in their presence and the same has also been communicated to all the parties on 23.3.87. But these applications are filed before this Tribunal on 5.6.87 without any application for condonation of delay.

4. When the period of limitation for these applications is computed from the date of order as that should be as required by Rule 17 of the Central Administrative Tribunal (Procedure) Rules then they should have been presented on or before 10.4.87. Even if we compute the period of limitation from the date of communication of ^{the} order which is not the correct legal position vide Rule 17 of the Rules, then also these applications should have been presented on or before 23.4.87. But as noticed earlier, these applications have been presented before us only on 5.6.87. Thus in making these applications, there is a delay of 43 days. In the absence of an application for condonation of delay, they are liable to be dismissed as barred by time.

5. Shri S.A. Narayana Prasad, learned counsel for the applicants however prays that the delay in filing the applications be condoned and the applications considered on merits.



6. We are of the view that ^{an} oral application for condonation of delay is not maintainable. But we will also assume that an oral condonation of delay is maintainable and examine the case on that basis. Even then we are of the view that every one of the reasons pleaded before us, do not justify us to condone the delay of 43 days in making the applications. From this it follows that these applications are liable to be dismissed as barred by time.

7. We have heard Shri Prasad on merits also. We find that our order examining all the principal contentions, does not suffer from any apparent error also to justify us to review our earlier order. We do not also find any merit in these review applications.

8. In the light of our above discussion, we hold that these applications are liable to be rejected. We therefore reject these applications at the admission stage without notice to the respondents.

Ms. Prasad
Vice-chairman
12/6/1987

[Signature]
Member (A) 10.6.1987

sr/Mrv.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

R.A.No.64 to 77/87 in
A.No.1802 to 1815/86

Date - 17
28 JUN 1987

Applicant

N.B.Khanaganni & 13 Ors

Respondents

V/s.

Secy., Min. of Communications, N.D.
and 11 Ors

1. N.B.Khanaganni,
Telephone Operator,
Telephone Exchange,
Belgaum.

9. B.B.Shaik,
Telephone Operator,
Telephone Exchange,
Belgaum.

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10. Miss.S.N.Badekar,
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7. Ms.P.M.Mahishi,
(Smt.V.R.Dambal),
Telephone Operator,
Telephone Exchange,
Belgaum.

15. Shri.S.A.Narayana Prasad, Advocate
C/o. Shri.H.R.Anantha Krishnamurthy,
No.143, Infantry Road,
Bangalore- 560 001.

8. S.S.Gouder,
Telephone Operator,
Telephone Exchnage,
Belgaum.

....2/-

OR
Please come
to all
places
O/K

Amur
B
22/6/87

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 10TH DAY OF JUNE, 1987

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Sd/-
Vice-Chairman

142/6/1987

Sd/-
Member (A) 10.6.1987

/ TRUE COPY /

142/6/1987
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE