

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 3rd Day OF JULY, 1987

Present : Hon'ble Justice Sri K.S.Puttaswamy

Vice-Chairman

Hon'ble Sri L.H.A.Rego

Member (A)

REVIEW APPLICATION No. 82/87

Annamalai,
r/a No.89/5,
Rayappa Garden,
Ramakrishna Road,
Doddigunta, Cox Town,
Bangalore - 5.

... Applicant

(Sri K.SUBBA RAO

... ADVOCATE)

Vs.

The Union of India represented
by the Secretary to the Government
of India, Ministry of Defence,
New Delhi.

The Adjutant General,
Recruiting Directorate,
DTE/RTG 5 (OR)(B), Army
Headquarters, West Block-III,
R.K.Puram, New Delhi - 22.

The Administrative Officer,
Headquarters, Recruiting Zone,
No.3, Rajendrasinghji Road,
Poona - 411 001.

The Zonal Recruiting Officer,
Headquarters Recruiting Zone,
No.46, Residency Road,
Bangalore - 25.

... Respondents

(Sri M.S.Padmarajaiah

... Advocate)

ORDER ON I.A. - APPLICATION FOR CONDONATION OF DELAY

In filing this Review Application under Section 22(3)(f) of the Administrative Tribunals Act, 1985 (the Act) there is a delay of 121 days. In I.A. No.1 filed under Section 5 of the Limitation Act, 1963, (1963 Act) the applicant has sought for condonation of that delay.



2. The 1963 Act has not been made applicable to proceedings either by the Act or by the Rules. Hence Section 5 of the 1963 Act has no application. On this short ground I.A.No.1 is liable to be rejected.


3. We will, assume that Section 21(3) of the Act is applicable to IA No.1 and examine the same on that basis, as urged by Sri MS. Anandaramu, learned counsel for the applicant.

4. In I.A.1, the applicant has asserted that he was suffering from acute asthma and therefore he could not approach the Tribunal within the period of limitation provided by the Central Administrative Tribunals (Procedure) Rules, 1987. We are of the view that this assertion of the applicant is a vague and general assertion. Even otherwise, this assertion, is not supported by a medical certificate issued by a responsible medical practitioner. We even seriously doubt the truth of the assertion made by the applicant. From these, it follows that the applicant has not made out a sufficient cause for condoning the delay in making the application. On this view also, I.A.No.1 is liable to be rejected.

5. But notwithstanding the above, we have examined whether there was a patent error in the order to justify a review of the same under the Act. We are of the view that there is no reason to doubt the correctness of what is recorded at para 4 of the order to which serious exception was taken by Sri Anandaramu.

6. We will also assume that Sri Anandaramu did not make the concession attributed to him at para 4 of the order and examine whether the same calls for a review. We are of the view that even then the result of the order in Application No.1309/86(T) would not have been any way different at all. On this view also there is no merit in this application.

7. In the light of our above discussion we hold that the I.A.No.1



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Dated : 13-7-87

W.P. No

V/s The Secy, M/o Defence & 3 Ors

1. Shri Annamalai
89/5, Rayappa Garden
Ramekrishna Road
Doddigunta, Cox Town
Bangalore - 560 005
2. Shri M.S. Anandaramu
Advocate
128, Cubbonpet Main Road
Bangalore - 560 002
3. Shri M.S. Padmarajaiah
Senior Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN REVIEW
APPLICATION NO. 82/87

Please find enclosed herewith the copy of the Order/~~Internal Order~~
passed by this Tribunal in the above said Application on 3-7-87.

Encl : as above.

SECTION OFFICER
(JUDICIAL)

Balu*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

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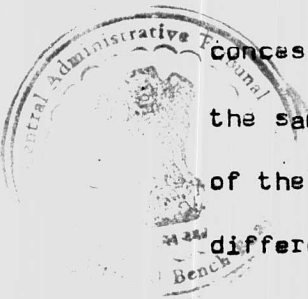
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- 3 -

and the review application are liable to be rejected. We, therefore, reject I.A.No.1 and the review application. But in the circumstances of the case, we direct the parties to bear the costs.



Sd _____
VICE-CHAIRMAN

2/7/87

Sd - - -

MEMBER (A)

13-7-87

- True copy -

Has
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE