

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCHAPPLICATION No. 421/87 (T)

(WP.NO. 18665/84)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

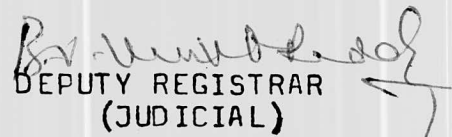
DATED: 6-10-87

APPLICANT M. Natarajan VsRESPONDENTS Secretary,
Min. of Agriculture, N. Delhi
and 3 Ors.

TO

1. Sri M. Natarajan,
No. 143/38,
6th Cross, Wilson Garden,
Bangalore - 560027.2. Sri H. Subramanya Jois,
Advocate,
36, Vagdevi, Shankarapuram,
Bangalore - 4.3. Secretary,
Min. of Agriculture,
Krishi Bhawan,
New Delhi-1.4. The Director,
The Indian Council of
Agricultural Research,
Krishi Bhawan, N. Delhi-1.5. Chairman,
The Agricultural Scientists -
Recruitment Board (ICAR),
Nirman Tower,
Bharat Chandra Road, N. Delhi-1.6. The Director,
National Dairy Research
Institute, Southern Regional -
Station, ^{Adugodi} Bangalore - 307. Sri D.V. Snyendra Kumar,
Advocate,
High Court Buildings, Bangalore-1SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 421/87 (T)

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on18 Sep 87.ENCL: As above.By 
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE EIGHTEENTH SEPTEMBER, 1987.

Present: Hon'ble Justice Sri K.S. Puttaswamy ... Vice Chairman
Hon'ble Sri L.H.A. Rego ... Member (A)

APPLICATION NO. 721 of 1987

M. Natarajan
Retired Scientist
Re-designated as Technician,
Major,
No.143/38, 6th Cross, Wilson Garden
Bangalore - 560 027.
(Sri H. Subramanya Jois ... Advocate)

... Applicant

Vs.

1. The Union of India represented by its Secretary, Ministry of Agriculture, Krishi Bhavan, New Delhi-1.
2. The Indian Council of Agricultural Research, represented by its Director, Krishi Bhavan New Delhi-1.
3. The Agricultural Scientists Recruitment Board, I.C.A.R. represented by its Chairman, Nirmal Tower, Bharakchandra Road New Delhi-1.
4. The National Dairy Research Institute Southern Regional Station, Bangalore, represented by its Director (Sri D.V. Shylendra Kumar, Advocate) ... Respondents

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

ORDER

This is a transferred application and is received from the High Court of Karnataka under section 29 of the Administrative Tribunal Act, 1985 (ACT).

...2/-



2. After a chequered career a detailed ~~narration of which~~ is not necessary for the disposal of this case, the applicant became an employee on 27.3.1976 of the Indian Council of Agricultural Research, New Delhi ('ICAR'), a society registered under the Indian Societies' Registration Act, 1860. When he became an employee of the ICAR, he was absorbed as T-6 in the Technician category. In due course, he secured promotion as T-7 and retired from service on 30.11.1983 on attaining superannuation.

3. But as late as on 28.2.1984, the applicant approached the High Court in W.P. No. 18665/85, inter-alia claiming that he should have been appointed as a Scientist-II from 1.7.1976 or in the alternative the post of T-6 to which he was initially appointed should be equated to S.II from 1.7.1976, which on transfer, has been registered as A.No.721/87. The applicant has urged a large number of grounds as justifying the grant of the very first relief, or the alternative relief sought by him.

4. In their statement of objections filed before the High Court, the respondents have resisted the claim of the applicant on diverse grounds.

5. But at the hearing, Shri D.V. Shylendra Kumar, learned counsel for the respondents, contends that in approaching the High Court there was a delay of more than 8 years and that inordinate

delay had not been properly explained and the explanation, if any, given, was not a sufficient ground for ignoring that inordinate delay, and on that ground itself, this application was liable to be dismissed by this Tribunal without examining the merits. In support of his contention, Shri Kumar strongly relies on the ruling rendered by us in N.I. MATHAI VS. UNION OF INDRA & ORS. (1987(2) ATC 667).

6. Shri H. Subramanya Jois, learned counsel for the applicant, refuting the contention of Sri Kumar contends that all the facts and circumstances only justify the Tribunal to ignore the delay and adjudicate the case on merits and grant the relief.

7. In MATHAI's case, we have held that this Tribunal, which had stepped into the shoes of the High Court, can dismiss a transferred application on ground of delay, laches and conduct of the applicant. The fact that the High Court had issued rule nisi or disentitle had entertained the application, cannot and does not/ this Tribunal to dismiss the application on grounds of delay, laches and conduct of the applicant. If that is so, we must examine whether there is delay, and if so, whether the delay in approaching the High Court itself can be ignored by this Tribunal.

8. We have earlier noticed that the applicant was seeking for reliefs from 1.7.1976, and in seeking those reliefs, he approached the High Court only



on 28.2.1984. In approaching the High Court there was a delay of nearly 8 years.

9. The explanation offered by the applicant for the inordinate delay was that the matter was under correspondence, and the Supreme Court in P.K. Ramachandra Iyer Vs. UNION OF INDIA & ORS. decided on 16.12.1983 in AIR 1984 SCC (L&S) 214 had held that the ICAR was a State within the meaning of Article 12, and was amenable to the jurisdiction of the High Court under Article 226 of the Constitution in that case. Shri Jois contends that these facts justify this Tribunal to ignore the delay.

10. We are of the view the fact that the matter was under correspondence is hardly a ground for a Tribunal or a Court to ignore the inordinate delay of 8 years.

11. When the applicant joined service, he was well aware of the prospects and the incidents of service. Even if the ICAR had not been declared as a 'State', it was undoubtedly be open to the applicant to approach an ordinary civil court for relief. If that is so, both the grounds urged by the applicant do not constitute a sufficient ground to ignore the inordinate delay of 8 years in approaching the High Court. We are also of the view that the applicant should not be permitted to agitate matters that had become final in 1976, and unsettle the matters settled in 1976. For all these reasons, we uphold the preliminary contentic—

urged by Shri Kumar and hold that this application is liable to be dismissed on grounds of delay and laches.

12. When once we hold that this application is liable to be dismissed on grounds of delay and laches, the question of this Tribunal examining the merits does not arise. We, therefore, decline to examine the merits.

13. In the light of our above discussion we hold this application is liable to be dismissed. We therefore dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.



Mr.

Edl.
VICE CHAIRMAN

18/9/87

Edl.
MEMBER (A)

18.9.87

-True copy-

[Signature]
DEPUTY REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE