

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 15 JUL 1988

APPLICATION NO 1005 /87(F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri N.C. Rajappa

The Asst. Supdt. of Post Offices, Chickmagalore
& another

To

1. Shri N.C. Rajappa
Door No. 12, Shankarapura
IV Cross
Chickmagalore
2. Shri B.B. Mandappa
Advocate
115/3, Balappa Building
Seshadripuram Circle
Bangalore - 560 020
3. The Assistant Superintendent
of Post Offices
Chickmagalore Postal Sub-Division
Chickmagalore - 577 101

4. The Secretary
Ministry of Communication
New Delhi - 110 001
5. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Building
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/6247/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application

on 8-7-88

Encl: as above.

[Signature]
DEPUTY REGISTRAR
(JUDICIAL)

BANGALORE

DATED THIS THE 8TH DAY OF JULY, 1988

Present:

APPLICATION NO. 1005/1987

Shri N.C.Rajappa,
s/o Channaiah,
aged 30 years,
D.No.12, Shankarapura,
IV cross, Chickmagalore.

.... Applicant.

(Shri B.E. Mandappa, Advocate)

V.

1. Asst. Supdt. of Post Offices,
Chickmagalore Postal Sub-Division,
Chickmagalore.

2. The Government of India by its Secretary to Government, M/o Communication, New Delhi.

.... Respondents.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

This application having come up for hearing to-day, Vice-Chairman made the following:

ORDER

In this application made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act'), the applicant has challenged Order No. EDP/J Nagar dated 12.3.1986 (Annexure-A4) of the Assistant Superintendent of Post Offices, Chickmagalur Postal Division, Chickmagalur (ASP) terminating his services as ED Packer with immediate effect.

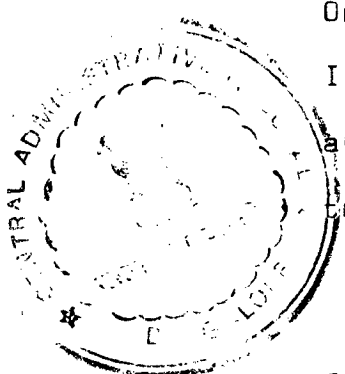
2. In making this application there is a delay of 59 days.. In IA No.1 the applicant has sought for condoning that delay. IA No.1 is opposed by the Respondents.

3. Shri B.B. Mandappa, learned counsel for the applicant contends that the facts and circumstances averred in IA No.1 constitute a sufficient ground for condoning the delay and the same be condoned and the application decided on merits.

4. Shri M. Vasudeva Rao, learned counsel for the Respondents contends that the facts and circumstances averred in IA No.1 which are vague and general, do not constitute a sufficient ground for condonation of delay.

5. In IA No.1 the applicant has stated that he was not aware of the period of limitation and his financial condition also prevented him from making the application in time. We will even assume that both these facts averred by the applicant are also correct. But both of them, either separately or cumulatively, do not constitute a sufficient ground to condone the delay. Even otherwise the facts stated in IA No.1 are too vague and general and are incapable of verification. We are therefore of the view that the applicant had not made out a sufficient cause for condoning of delay. On this conclusion IA No.1 is liable to be rejected. If IA No.1 is liable to be rejected then the main application is liable to be dismissed without examining the merits.

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



TRUE COPY

DEPUTY REGISTRAR (JUDICIAL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE
VICE-CHAIRMAN

MEMBER (A)