

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 JUN 1988

APPLICATION NO. 736 / 87(F)

W.P. NO. /

Applicant(s)

Smt A.N. Sujatha

To

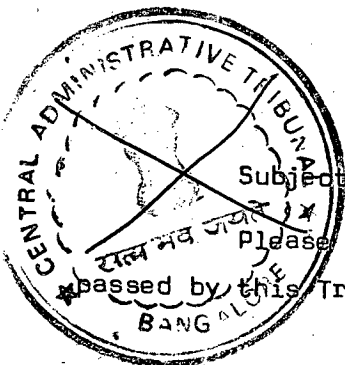
Respondent(s)

V/s The Supdt. of Post Offices, Hassan & 2 Ors

1. Smt A.N. Sujatha
'Love Dale'
Near Bava Tiles
Shediguri
Ashokanagar
Mangalore - 6
2. Dr M.S. Nagaraja
Advocate
35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
3. The Superintendent of Post Offices
Hassan Division
Hassan - 543201
4. The Director of Postal Services
South Karnataka Region
Office of the Post Master General
Karnataka Circle
Bangalore - 560 001
5. The Member (Posts)
Postal Services Board
Department of Posts
Ministry of Communications
New Delhi - 110 001
6. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/SPAY/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 9-6-88.



DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE NINTH DAY OF JUNE, 1988

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

APPLICATION NO. 736 OF 1987

Smt. A.N. Sujatha
'Love Dale'
Near Bava Tiles
Shediguri
Ashoknagar
Mangalore-6.

.. Applicant

(Dr. M.S. Nagaraja, Advocate)

Vs.

1. The Superintendent of Post Offices
Hassan Division
Hassan - 543 201

2. The Director of Postal Services
(P.M.G.'s Office)
Bangalore - 1.

3. Member (P)
Postal Services Board, Department
of Posts,
Ministry of Communications
New Delhi - 110 001.

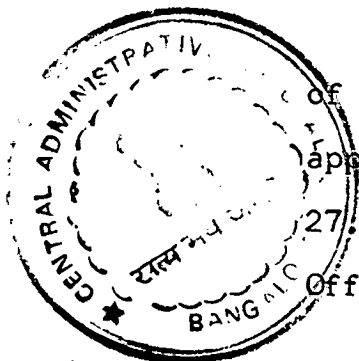
.. Respondents

(Shri M.S. Padmarajaiah, S.C.G.S.C.)

This application having come up for
hearing before this Tribunal today, Hon'ble Vice Chairman
made the following:

ORDER

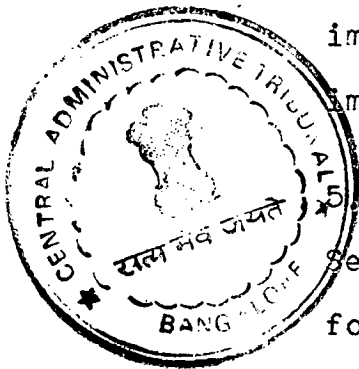
In this application made under Section 19
of the Administrative Tribunals Act, 1985 ('the Act') the
applicant has challenged order No.F2/Disc-16/82-83 dated
27.5.1986 (Annexure-A26) of the Superintendent of Post
Offices, Hassan Division, Hassan (Superintendent).



2. In their reply, the respondents have asserted that the applicant had received the order on 30.5.1986 (vide para 8) which is not disputed by the applicant. We, accordingly hold that the applicant has received the impugned order on 30.5.1986 . Without availing the legal remedy of an appeal available under the Central Civil Services (Classification, Control and Appeal) Rules, 1965 ('Rules'), the applicant had made this application before us on 20.8.1987. From this, it follows that in making this application there is a delay of 88 days. In I.A. No.I made under Section 21(3) of the Act, the applicant has sought for condoning this delay.

3. I.A. No.I is opposed by the respondents.

4. Dr. M.S. Nagaraja, learned counsel for the applicant contends that all the facts and circumstances in I.A. No.I constitute a sufficient ground to condone the delay and interfere with the impugned order which bristles with illegalities and improprieties.



Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents contends that all the facts and circumstances stated in I.A. No.I even if true, do not constitute a sufficient ground to condone the delay.

6. We will even assume that the main application filed without availing the legal remedy of an appeal under the Rules is maintainable. But then also, it cannot be disputed that the Act had provided for a generous period of limitation of one year for making an application from the date of receipt of the order. When so computed also, there is a delay of 88 days in making the application, is not in dispute.

7. In I.A. No.I the applicant had adverted to her marriage, marital obligations and the persuasion of her husband to get the impugned order quashed and secure her reinstatement to service, as factors for condoning the delay. We will even assume that these assertions though disputed by the respondents are correct.

8. What constitutes a sufficient ground has to be decided on the facts and circumstances of each case. But, in deciding the same, we cannot concern ourself with the merits is well settled. It is also well settled that a party must satisfactorily explain every days' delay after the expiry of the period of limitation and not before that.

9. Everyone of the facts and circumstances stated in I.A. No.I are too general, vague and are even very artificial. On examining all of them in the light of the principles noticed by us ^{and} ~~are~~ the case law built around the term 'sufficient cause' occurring in



Section 5 of the Limitation Act, we are of the view that all of them either cumulatively or individually do not at all constitute a sufficient ground for condonation of delay of 88 days. On this view I.A. No.I is liable to be rejected. If that is so, the main application which is barred by time, is liable to be rejected without examining the legality or the propriety of the order made by the Superintendent and all other questions raised by both sides.

10. In the light of our above discussion, we hold that I.A. No.I is liable to be rejected. We, therefore, reject I.A. No.I and consequently reject the main application with no order as to costs.

Sd/-
(VICE CHAIRMAN)

Sd/-
MEMBER (A) 19.6.58

mr.

TRUE COPY



[Signature]
DEPUTY REGISTRAR (JDL) 13/6/58
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE