

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 10 JUN 1988

APPLICATION NOS. 311 & 312 /88(F)

W.P. NO. _____

Applicant

Dr K. Chandrasekhar & another
To

V/s The Joint Secy (Admn), CSIR,
New Delhi & another

1. Dr K. Chandrasekhar
No. 637, 11 Main Read
HAL II Stage, Indiranagar
Bangalore - 560 038
2. Shri M. Gundu Rao
No. 2253 (Upstairs)
Mill Corner, South End Read
Seshadripuram
Bangalore - 560 020
3. The Joint Secretary(Admn)
Council of Scientific and
Industrial Research (CSIR)
Rafi Marg
New Delhi - 110 011

4. The Director
National Aeronautical Laboratory
Kedihalli
Bangalore - 560 017
5. Shri M. Narayanaswamy
Advocate
844 (Upstairs)
Vth Block, Rajajinagar,
Bangalore - 560 010
6. Shri H. Sulaiman Sait
Advocate
No. 52, Infantry Road
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH.

Please find enclosed herewith the copy of ORDER ~~STAY / INTERIM ORDER~~
passed by this Tribunal in the above said application on 3-6-88.

*gffw
K. M. N.
10-6-88*

Encl : As above

for [unclear]
dc DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 3RD DAY OF JUNE, 1988

Present : Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NOS. 311 & 312/1988

1. Dr. K. Chandrasekhar,
s/o K. Krishna Shastry,
aged 62 years,
No.637, 11th Main Road,
H.A.L. IIstage, Indiranagar,
Bangalore-38. ... Applicant in
A.No. 311/88

2. Shri M. Gundu Rao,
s/o Maiari Rao,
aged 62 years,
No.2253, Upstairs,
Mill Corner, South End Road,
Seshadriouram, Bangalore. ... Applicant in
A.No. 312/88.
(Shri M. Narayanaswamy, Advocate)

v.

1. The Joint Secretary (Admn.),
Council of Scientific and
Industrial Research,
Anusandar Bhavan,
Rafi Mary, New Delhi.
2. The Director,
National Aeronautical Laboratory,
Kodihally, Bangalore. ... Respondents.
(Shri H. Sulaiman, Advocate)

These applications having come up for hearing
to-day, Vice-Chairman made the following:

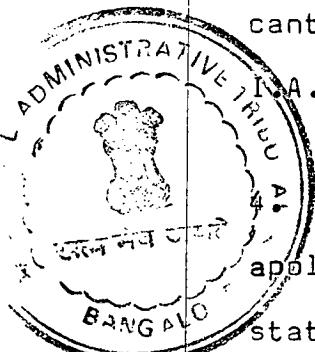
ORDER

These are applications made by the applicant
under Section 19 of the Administrative Tribunals Act,
1985 ('the Act'). In making these applications, even
according to the applicants themselves there is a
delay of 5 months. In I.A.No.1, filed under Section
21 (3) of the Act, the applicants have sought for
condoning the said delay.



2. The applicants, who are Science Graduates having started their career in one or the other capacity in the National Aeronautical Laboratory (NAL) which is one of the Institutes under the control of the Council of Scientific and Industrial Research (CSIR) made various advances in their career and have retired from service on 1.6.1984 and 1.5.1984 respectively.

3. Before the applicants retired from service, the competent authority made an order on 24.11.1982 (Annexure-C) in their favour providing them to work in the 'Technical Section' of NAL, which for various reasons that are not necessary to notice, was not implemented and they did not actually work in the Technical Section till they retired from service. Long after their retirements the applicants represented to the authorities for considering their cases for retrospective promotions in the Technical Section and for extending them all such consequential and monetary benefits to which they are entitled in law. On 25.5.1986, the CSIR had rejected their claims in two separate, but identical orders made against them. On the basis of those orders, the applicants claim that there is a delay of 5 months and in I.A. No.1, they pray for condoning the same.



Shri M. Narayanaswamy, learned Counsel for the applicants contends that the facts and circumstances stated in I.A. No.1 constitute a sufficient ground for condoning the delay in making the applications under the Act.

5. Shri H. Suleman Sait, learned Counsel for the respondents, refuting the contention of Shri Narayanaswamy, contends that the facts and circumstances pleaded by the applicants do not constitute a sufficient ground for condoning the delay which is more than 5 months.

6. On the basis of the order made on 24.11.1982 in their favour, the applicants' claim that their cases should have been assessed for purposes for promotion in 1983 under bye-law 71(b) of the Bye-laws. Assuming this to be correct, then it follows from the same that the grievance or the cause of action of the applicants really arose in 1983, and without any doubt, well before they retired from service on 1.6.1984 and 1.5.1984. When so computed, as it should be then the delay in filing these applications is more than a year and is not 5 months as stated in I.A. No.1.

7. On receipt of the adverse orders dated 25.5.1986 one of the applicants got issued a legal notice. We need hardly say that notice which was wholly unnecessary, cannot constitute a sufficient ground for condoning the delay of 5 months also. On what we have held earlier that there is a delay of more than 1 year, the applicants have not made out any ground for condoning the delay at all. On this view, I.A. No.1 is liable to be rejected.

We are also of the view that everyone of the facts and circumstances stated in I.A. No.1, do not constitute a sufficient ground to condone the delay of 5 months according to the applicants themselves or the longer delay of more than 1 year noticed by us.



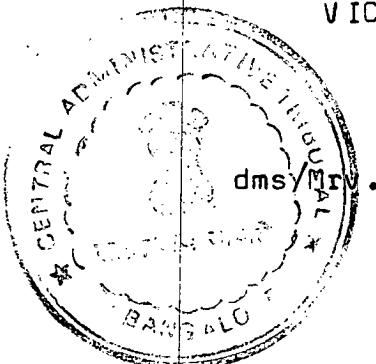
9. On any view, I.A. No.1 is liable to be rejected. If that is so, then the question of examining the merits does not arise. We, therefore, decline to examine the merits.

10. In the light of our above discussion, we reject I.A.No.1 and as a consequence of the same, we also reject Application Nos. 311 and 312 of 1989 with no order as to costs.

Sd/-

VICE-CHAIRMAN

3/6/89



Sd/-

MEMBER (A)

TRUE COPY

R. Venkatesh
DEPUTY REGISTRAR (JULY 1989)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE