

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

* * * * *

Commercial Complex (BDA)
 Indiranagar
 Bangalore - 560 038

Dated : 26 SEP 1988

APPLICATION NO.

92

/ 88(F)

W.P. NO.

Applicant(s)

Shri Janakallaiah

T.O.

1. Shri Janakallaiah
 S/o Shri Manjundappa
 Jyothi Mallapur
 T. Kedihalli Post
 Arasikere Taluk
 Hassan District

2. Shri M. Madhusudan
 Advocate
 1074-1075, Banashankari I Stage
 Sreenivasa Nagar II Phase
 Bangalore - 560 050

3. The Divisional Personnel Officer
 Southern Railway
 Mysore Division
 Mysore

Respondent(s)

V/s The Divisional Personnel Officer, Southern Rly,
 Mysore & another

4. The Permanent Way Inspector
 Southern Railway
 Arasikere
 Hassan District

5. Shri K.V. Lakshmanachar
 Railway Advocate
 No. 4, 5th Block
 Briand Square Police Quarters
 Mysore Road
 Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/ORDER/ORDER
 passed by this Tribunal in the above said application(s) on 13-9-88.

g/sd
M. Hanuman
27-9-88

B. P. D. Deodhar
 DEPUTY REGISTRAR
 (JUDICIAL)

jc

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE THIRTEENTH DAY OF SEPTEMBER 1988

Present: Hon'ble Justice Shri K.S. Puttaswamy ... Vice-Chairman

Hon'ble Shri L.H.A. Rego ... Member (A)

APPLICATION NO. 92/88(F)

Janakallaiah,
Jyothi Mallapur,
T. Kodihalli Post,
Arasikere Taluk,
Hassan District.

... Applicant

(Shri M. Madhusudan ... Advocate)

v.

The Divisional Personnel Officer,
Southern Railway,
Mysore Division, Mysore.

The Permanent Way Inspector,
Southern Railway,
Arasikere.

... Respondents

(Shri K.V. Lakshamanachar .. Advocate)

This application came up for hearing before this Tribunal today. Hon'ble Vice-Chairman made the following:

O R D E R

In this application made under Section 19 of the Administrative Tribunals Act, 1985 (the Act), the applicant has challenged Order No.Y/P.407/VII/Ask/605 dated 28.4.1986 of the Permanent Way Inspector (PWI) terminating his services from 29.1.1986.

2. In making this application there is a delay of 274 days.

In IA No.1 filed under Section 21(3) of the Act the applicant has sought for condoning the said delay. IA No.1 as also the main application are opposed by the Respondents.

3. Shri M. Madhusudan, learned counsel for the applicant, contends that the facts and circumstances stated in IA No.1



constitute a sufficient ground for condoning the delay of 274 days and annul the impugned order which is patently illegal.

4. Shri K.V. Lakshmanachar, learned counsel for the Respondents contends that every one of the vague pleas made by the applicant in IA No. 1 do not constitute a sufficient ground to condone the inordinate delay.

5. We have carefully read IA No.1. Every one of the facts stated in IA No.1 are as vague as they could be.

6. In IA No.1 the applicant has not explained every day's delay from the time the period of limitation had expired as is required by law. We are of the view that every one of the facts and circumstances stated in IA No.1 do not constitute a sufficient ground for condoning the delay. On this view 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 rejected without examining the merits.

7. 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.

Sd/-

VICE CHAIRMAN 13/4/12
TRUE COPY

Sd/-

MEMBER (A) 13.4.98

bsv

PAI
DEPUTY REGISTRAR (JDL) *SD/-*
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 28 OCT 1988

REVIEW APPLICATION NO. 96
IN APPLICATION NO. 92/88(F) / 88
W.P. NO.

Applicant(s)

Shri Janakallaiah
To

1. Shri Janakallaiah
Jyothi Mallapur
T. Kodihalli Post
Arasikere Taluk
Hassan District
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasa Nagar II Phase
Bengalore - 560 050

Respondent(s)

V/s The Divisional Personnel Officer, Southern Rly,
Mysore Division, Mysore & another

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(x) on 17-10-88.


SECTION OFFICER
~~REGISTRA~~
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 17TH DAY OF OCTOBER, 1988

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

REVIEW APPLICATION NO. 96/1988

Shri Janakallaiah,
Jyothi Mallapur,
T. Kodihalli Post,
Arasikere Taluk,
Hassan District.

.... Applicant.

(Shri M. Raghavendrachar, Advocate)

v.

1. The Divisional Personnel Officer,
Southern Railway, Mysore Division,
Mysore.

2. The Permanent Way Inspector,
Southern Railway,
Arasikere.

.... Respondents.

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

O R D E R

In this application filed under Section 22(3)(f) of the
Administrative Tribunals Act, 1985 (the Act), the applicant
sought for a review of our order made on 13.9.1988 rejecting
Application No.92/88 filed under Section 19 of the Act.

2. In making the original application, there was a
delay of 274 days. In I.A. No.1, filed in that case, the
applicant sought for condonation of that delay, which was
opposed by the respondents. On an examination of the conten-
tions urged on I.A. No.1, we found that the appli... had not



made out a sufficient cause for condoning the delay. On which ground we rejected that I.A. and the main application.

3. Shri M. Raghavendrachar, learned Counsel for the applicant, contends that the non-disposal of the representations made by his client on the ground that the O.A. No.92/88(F) was pending could not be produced by the applicant at the time we made our order and the same justifies a review under Section 22(3)(f) of the Act read with O.47 R.1 CPC.

4. When I.A. No.1 was considered and decided in open court, the facts now stated, even assuming them to be correct, which were all within the knowledge of the applicant, were not brought to our notice and therefore we are of the view that this itself disentitles the applicant to seek for a review. We are of the view that even if the applicant had brought the facts, now stated by him, when we decided I.A. No.1 in O.A. No.92/88, then also our judgment would not have been anyway different. On any view we find no ground to review our earlier order.

5. In the light of our above discussion, we hold that this application is liable to be rejected. We, therefore, reject this application at the admission stage without notices to the respondents.

TRUE COPY

Sd/-

VICE-CHAIRMAN 17/10/88

Sd/-

MEMBER (A) 17.10.88

dms/Mrv.

R. Chary 28/10/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE