

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 Janakalleiah

To

Respondent(s)

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

1. Shri Janakalleiah
S/o Shri Nanjundappa
Jyothi Mallapur
T. Kodihalli Post
Arasikere Taluk
Hassan District

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

3. The Divisional Personnel Officer
Southern Railway
Mysore Division
Mysore

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 ~~/COPY/~~ ~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on 13-9-88.

DEPUTY REGISTRAR
(JUDICIAL)

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.



bsv

Sd/-

VICE CHAIRMAN

TRUE COPY

Sd/-

MEMBER(A)

13.12.98

[Signature]
DEPUTY REGISTRAR (JDL)
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 / 88
IN APPLICATION NO. 92/88(F)
W.P. NO. _____

Applicant(s)

Shri Janakallaiiah
To

Respondent(s)

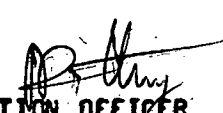
V/s The Divisional Personnel Officer, Southern Rly,
Mysore Division, Mysore & another

1. Shri Janakallaiiah
Jyothi Mallepur
T. Kodihalli Post
Arasikere Taluk
Hassan District
2. Shri M. Raghavendra Acher
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050

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.

Encl : As above


SECTION OFFICER
~~DEPUTY REGISTRAR~~
(JUDICIAL)

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.

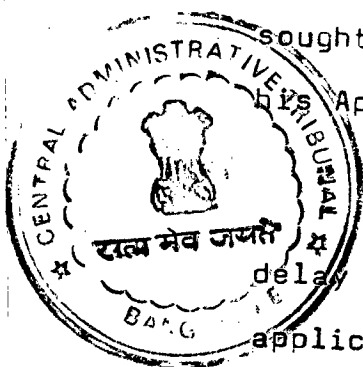
.... Respondents.

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 applicant 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~~ ^{did not consider them.} We are of the view that this itself disentitles the applicant to seek for a review. We ^{also} 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)

15.10.88

dms/Mrv.

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BANGALORE