

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No.  
~~Application No.~~

887/92

Date of Decision : 28-7-1995

Shri Mahendra Kumar Jha

Petitioner

Shri Y.R. Singh

Advocate for the  
Petitioners

Versus

Union of India & Others

Respondents

Shri S. Ravi for Shri P.M.A. Nair

Advocate for the  
respondents

C O R A M :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri M.R. Kolhatkar, Member (A).

(1) To be referred to the Reporter or not ?

(2) Whether it needs to be circulated to  other Benches of the Tribunal?

*M.R. Kolhatkar*

(M.R. Kolhatkar)  
Member (A)

ssp.

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. 887/92

Shri Mahendra Kumar Jha ... ... Applicant

v/s

Union of India & Others ... ... Respondents

CORAM : 1) Hon'ble Shri B.S. Hegde, Member (J)  
2) Hon'ble Shri M.R. Kolhatkar, Member (A)

APPEARANCE 1) For Applicant - None.

2) Shri S. Ravi, Advocate for Shri P.M.A. Nair, counsel for the Respondents.

ORAL JUDGEMENT

Dated: 28th July 1995

(Per: Hon'ble Shri M.R. Kolhatkar, M(A)).

1. This Application is a spin-off of an earlier litigation in which this Tribunal had delivered a judgement in a batch of 22 cases in connection with the selection of the Applicant and others to the category no. 25 of Employment Notice No. 2/80-81 by directing the Respondents to appoint a High Power Committee to scrutinise all the cases which were entrusted to the Directorate of Vigilance after giving notice to the affected parties. The Applicant was one of the affected parties. He contends that the communication dated 5-12-1991 asking him to appear for the interview was actually despatched on 10-12-1991 and that the same was received by him on 21-12-1991 i.e. one day after the scheduled date of interview. The Applicant thereafter made representations on 23-1-1992, 17-3-1992 and 8-5-1992 bringing out the fact to the notice of the Respondents but there has been no response from the Respondents.

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Therefore, the Applicant has prayed for the relief that the Respondents should be directed to consider the Applicant for viva voce for including his name in the list of candidates to be interviewed in the next immediate batch.

2. This case was taken out from sine die list for the first time on 16-1-1995; thereafter it had come on the Board on two dates viz. on 2-3-1995 and 25-4-1995 and today we have proceeded to hear the matter on merits though the counsel for the Applicant was absent. With reference to the contention of the Applicant, the Respondents have stated that the home address furnished was Jhansi and the communication dated 5-12-1991 was duly sent to his Jhansi address but the Applicant was not available at his home town when the intimation reached there and the same was re-directed by the Postal authorities to the present address viz. Badaun and thus the delay was caused. According to the Respondents, they are not responsible for this delay. The Respondents have further pointed out that from the medical certificate cited by the Applicant at page 9 of the Application, he was under treatment at a Private Clinic at Badaun from 18-12-1991 to 21-1-1992 and accordingly the intimation for enquiry had to be re-directed to Badaun and hence received by him late. It is clear that the communication dated 5-12-1991 was actually despatched from Bombay Post Office on 10-12-1991. The Post Office stamp of Jhansi is not clear. Since the letter was required to be re-directed to Badaun, and reached the Applicant on 21-12-1991, it is clear that it

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reached Jhansi much earlier than 21-12-1991 and if he was available at Jhansi address, it would have been possible for him to attend the interview. The delay was caused because of confinement of the Applicant in the Hospital during the relevant time and because of the change of address in connection with such confinement, the Applicant received the communication late. The Respondents, therefore, cannot be held responsible for the delay in this regard and non-receipt of communication by Applicant and consequent failure to appear at the interview. We find no merit in the Application and the same is accordingly dismissed with no order as to costs.

M.R.Kolhatkar

(M.R. Kolhatkar)  
Member (A)

B.S.Hegde

(B.S. Hegde)  
Member (J)

ssp.