

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Dated: 27 JUL 1993

APPLICATION NO(s). 605/1993.

Applicant(s) K.J.Sethureman v/s. Respondent(s) Secretary, M/o.  
Defence, NDelhi & Ors.

To

1. Sri.K.J.Sethureman,  
S/o.K.Jagadeesen,  
No.61,First Cross,  
Malleswaram,  
Bangalore-560003.
2. Sri.M.Shivaram,  
Advocate, No.11,  
Second Floor,  
SSB Mutt Bldg.,  
Dhanavanthri Road,  
Bangalore-9.

SUBJECT:- Forwarding of copies of the Order passed by  
the Central Administrative Tribunal, Bangalore Bench  
Bangalore.

Please find enclosed herewith a copy of the ORDER/  
STAY/INTERIM ORDER passed by this Tribunal in the above said  
application(s) on 12-07-93.

Issued  
for

OK

for *[Signature]* 27/7/93  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS THE TWELFTH DAY OF JULY 1993

Present:

Hon'ble Mr. Justice P.K. Shyamsundar ... Vice Chairman

Hon'ble Mr. V. Ramakrishnan ... Member [A]

APPLICATION NO.605/93

K.J. Sethuraman,  
S/o K. Jagadeesan,  
Aged about 51 years,  
Residing at No.61,  
1st Cross, Malleswaram,  
Bangalore-560 003.

... Applicant

[Sri M. Shivarani ... Advocate]

v.

1. The Union of India,  
represented by the  
Secretary to the  
Ministry of Defence,  
New Delhi.
2. The Director General of Defence  
Research and Development  
and Scientific Adviser,  
Defence Research &  
Development Organisation,  
Ministry of Defence,  
New Delhi-110 011.
3. The Commissioner for  
Departmental Inquiries,  
Central Vigilance Commission,  
New Delhi.
4. The Director,  
Electronics & Radar  
Development Establishment,  
Ministry of Defence,  
Government of India,  
C.V. Raman Nagar,  
Bangalore-560 093.

... Respondents

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

ORDER



1. We have heard learned counsel for the applicant regarding the question of delay in presentation of this application that falls for consideration. Admittedly there is a delay of 436 days in filing this application. The applicant is seeking condonation of delay and for that purpose has filed an MP wherein he sets out causes that had led to the delay. This is what the applicant says -

- [a] The rejection of my representation against the findings in the enquiry report and the consequent compulsory retirement from service had a devastating effect on me I almost became a mental wreck. I lost interest in everything and became a recluse.
- [b] To make me re-emerge from the mental depression I was under the members of my family and my relatives and wellwishers persuaded me to have a change of scene. Thus when the order under Annexure P was served on me I was at Bombay and had landed a job to keep my home-fires burning. Later I shifted to Hyderabad where I have been doing some consultancy work.
- [c] After this Hon'ble Tribunal was pleased to allow my application No.48/89 as per the orders under Annexure-N, I was not in touch with my counsel; he was also not aware of the representation I had made to the President of India and the passing of the order under Annexure P. It was only when I came to Bangalore on the 28th of this month that I had an occasion to meet my counsel and show him the papers. He was of the opinion that I had a good case on merits and that I should approach this Hon'ble Tribunal without further loss of time.
- [d] My counsel's advice revived my spirits and my hopes for getting justice and I decided to approach this Hon'ble Tribunal; but for the advice given by my counsel I would not have been in a position to take decision to impugn the order under Annexure-P since my mental condition did not permit any such exercise; I have been down in spirit as well as finances.
- [e] I instructed my counsel to draw up the papers which occupied about 3 days and the application under Section 19 of the Administrative Tribunals' Act 1985, has been filed along with the application for condonation of delay to-day ie., 2.7.1993.

We have given our earnest consideration to the grounds urged as aforesaid in seeking condonation of delay. In support of the case we have heard learned counsel. The learned counsel

tells us otherwise his client has an excellent case on merits and that factor should be a prime consideration weighing with us in considering the application for condonation of delay. We think the said argument is really putting the cart before the horse and cannot be accepted. Admittedly as on this day the application being barred by time unless we can see some way of condoning the delay, no question of accepting the application for consideration on merits arises. The fact that on merits the applicant may have an unbeatable case will not help him to squirm out the stumbling block of delay in filing this application.

2. When we go on to consider the reasons put forward explaining the cases of delay we find the reasons are wholly inadequate and insufficient.

3. It may well be as the applicant says that the order imposing penalty did destabilise him but that is something which probably anyone facing a disciplinary enquiry *could expect* the delinquent cannot say that he was at his wits end when the punishment order hit him. We cannot be taken in by that explanation. What is more as the man himself has pointed out after he was served with the order of compulsory retirement he took up a job at first in Bombay and then moved down to Hyderabad where he had started consultancy work. It may well be, as pointed out that he had no other go except to follow some avocation because he had to necessarily to maintain himself and his family as he puts it to keep the kitchen-fire going but that parse indicates that he was not really traumatised by explosion of his career

following the compulsory retirement order, for immediately thereafter he took steps to engage himself in gainful employment. Counsel pointed out that immediately after the impugned order of punishment was made he approached the Tribunal and had it knocked down on technical grounds but thereafter for the second time the same order was reiterated he later on appears to have done nothing about it except filing a representation which also stood rejected. Thereafter he had lots of time to come to this Tribunal but instead he took a job at Bombay and later engaged himself in consultancy work at Hyderabad. He now appears to have thought it fit to pursue his battle with the department but we are afraid that now it is too late in the day. We hold this is not a fit case where the inordinate, enormous and highly belated application can be countenanced on the grounds sought to be made out.

4. For the reasons stated above the MP for condonation of delay fails and is rejected, consequently the original application supra stands dismissed as barred by limitation.



Sd-  
MEMBER (A)

Sd-  
VICE-CHAIRMAN

TRUE COPY

*N. J. S.*  
29/7/93  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE