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CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 2 DEC 1992

APPLICATION NO (S) 168 / 90

W.P. NO (S)

Applicant (s)

Shri M. Vijayakumar

To

Respondent (s)

V/s

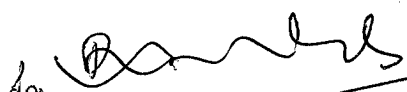
The Director General, Indian Council of  
Forestry, Research & Education, Dehra Dun and  
4 Ors

1. Shri M. Vijayakumar  
No. 4360, 14th Cross  
1st Main Road, Subramanya Nagar  
Bangalore - 560 021
2. Shri M. Aswathanarayana Reddy  
Advocate  
125-127, 1st Floor  
Sri Raghavendra Market  
Avenue Road  
Bangalore - 560 002
3. The Director General  
Indian Council of Forestry,  
Research & Education  
Govt. of India  
P.O. New Forests  
Dehradun - 248 006  
Uttar Pradesh
4. The Conservator of Forests  
Sandal Research Centre  
Department of Environment and  
Wild Life  
Mallawaram  
Bangalore - 560 003

5. The Director  
Institute of Wood Science and Technology  
Forest Research Laboratory Campus  
Mallawaram  
Bangalore - 560 003
6. The Secretary  
Ministry of Environment and Forests  
Department of Environment, Forests  
and Wild Life  
Paryavaran Bhavan  
C.G.O. Complex  
Lodhi Road  
New Delhi - 110 003
7. The Director General  
Indian Council of Forest Research  
and Education  
Forest Research Institute & College  
P.O. New Forests  
Dehra Dun - 248 006  
Uttar Pradesh
8. Shri M.S. Padmarajaiah  
Central Govt. Sng Counsel  
High Court Building  
Bangalore - 560 001

Subject : FORWARDING COPIES OF THE ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER /~~STAY~~/  
~~INTERIM ORDER~~ passed by this Tribunal in the above said  
application (s) on 25-11-92.

  
DEPUTY REGISTRAR  
(JUDICIAL)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH : BANGALORE

DATED THIS THE TWENTY FIFTH DAY OF NOVEMBER 1992

Present :

Hon'ble Shri Syed Fazlulla Razvi ... Member (J)

Hon'ble Shri S. Gurusankaran ... Member (A)

APPLICATION NO.168/1990

M. Vijayakumar,  
Son of Basappa,  
Hindu, Major,  
No.4360, 14th Cross,  
1st Main Road,  
Subramanya Nagar,  
Bangalore-560 021.

... Applicant

(Sri M. Aswathanarayana Reddy ... Advocate)

v.

1. The Director General,  
Indian Council of Forestry,  
Research and Education,  
Govt. of India, New Forests,  
Dehradun-248 006.
2. The Conservator of Forests,  
Sandal Research Centre,  
Deptt. of Environment and  
Wild Life,  
Malleswaran,  
Bangalore-3.
3. The Director,  
Institute of Wood Science  
and Technology,  
Forest Research Lab Campus,  
Malleswaran,  
Bangalore-560 003.
4. The Secretary to Govt.  
Govt. of India,  
Ministry of Environment and  
Forest, Deptt. of Environ-  
ment, Forests and Wild Life,  
Paryavaran Bhavan,  
CGO Complex, Lodhi Road,  
New Delhi.

The Director General,  
Indian Council of Forest  
Research and Education,  
Forest Research Institute  
and College, New Forest, Dehra Dun.

... Respondents

(Shri M.S. Padmarajaiah ... Advocate)



ORDER

1. The applicant has come up before this Tribunal seeking the relief of issue of a writ of mandamus directing the respondents to take the applicant to duty as a Sandal Nursing Worker (SNW for short) on daily wage basis and regularise his service as SNW on permanent basis with salary of the post and to pay the arrears of salary from 1.1.1988 and for such other reliefs as this Tribunal may deem fit to grant.
2. The case of the applicant briefly put is that the applicant was engaged as a SNW in the second respondent's organisation on daily wages of Rs.14.25 per day from August 1985 and had worked in such capacity upto 31.12.1987 when Respondent (R for short) 2 is alleged to have refused to provide job for the applicant from 1.1.1988 without assigning any reason and that the applicant had been making representations all along for reinstatement and for the award of consequential benefits but in vain and as such he was constrained to approach this Tribunal. The applicant has also filed I.A. No.1 for condonation of delay alleging that the applicant could not approach this Tribunal within time for the reasons spelt out in the affidavit supporting I.A. No.1 as well as those indicated in the application itself.
3. On the filing of the application along with application for condonation of delay, notice was ordered to be issued to the respondents. Pursuant to the notice so issued the respondents have appeared and have filed their reply. During the pendency of the application, R-5 came to be impleaded on I.A. filed by the applicant and R-5 is also represented by the same counsel who has been representing R-1 to 4.

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4. In the reply filed, the respondents have pleaded that the applicant had worked as a daily wager from 20.12.1985 to 14.7.1987 only and thereafter the applicant had failed to report for duty. They have denied that the services of the applicant were terminated with effect from 1.1.1988 and it is their case that the applicant himself voluntarily abstained from attending to work after 14.7.1987. In separate objections filed to I.A. for condonation of delay, the respondents have pleaded that there has been inordinate delay on the part of the applicant in approaching this Tribunal and no satisfactory reasons have been adduced to explain such delay and as such I.A. No.1 filed for condonation of delay is liable to be dismissed and so also the main application on the ground of delay.

5. The application is yet to be admitted. We have heard the learned counsel on the question of delay at the stage of admission and this order is being passed at the admission stage.

6. Learned counsel appearing for the applicant strongly urged that the applicant had not voluntarily abstained from work but came to be terminated from service with effect from 1.1.1988 and that since then the applicant has been making representations to R-2 and others and since R-2 did not consider those representations, the applicant was constrained to issue a legal notice as per Annexure A-1 dated 25.10.1989 and even that notice has remained unanswered and as such the applicant was constrained to file this application. He contended further that the delay in approaching this Tribunal is not intentional but is due to various reasons sworn to by the applicant in the affidavit filed in support of I.A. No.1 and according to the learned counsel



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the grounds put forth are sufficient in the eye of law to condone the delay and entertain the application and to decide the same on merits. The learned counsel urged further that the applicant has got a good case on merits and as such the application should not be dismissed on the ground of technicalities like bar of limitation. For sustaining this contention he strongly relied upon a ruling reported in AIR 1987 SC 1353 COLLECTOR, LAND ACQUISITION, ANANTNAG V. KATIGI.

7. Countering the above contentions urged Shri M.S. Padmarajaiah learned counsel for the respondents contended that the application is hopelessly barred by time and no satisfactory grounds have been made out to condone this inordinate delay and as such the I.A. filed for condonation of delay is liable to be dismissed. He further pointed out that the applicant voluntarily abstained from attending to the work after 14.7.1987 and there is no question of the respondents not providing work to the applicant thereafter or terminating the service of the applicant.

8. There is nothing placed by the applicant before this Tribunal to show that he had worked upto 31.12.1987. Except the self-serving statement made in the application there is no other record produced by the applicant to show that he had continued to work in the organisation of R-2 upto 31.12.1987. The respondents have put forth a specific plea that the applicant had attended to work from 20.12.1985 to 14.7.1987 and thereafter he has abstained voluntarily from attending to the work. The respondents have also denied that subsequent to 15.7.1987 when the applicant is said to have voluntarily abstained from work any promise was made to the applicant that he would be given a job at any point of time and it is mentioned in the reply that the Sandal Research

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Centre ceased to function with effect from 1.4.1988 and that the casual or daily workers who were engaged at the time of closure of the Sandal Research Centre had approached the Tribunal and got the relief whereas the applicant has come before the Tribunal after a period of 2 years and 8 months after he ceased to attend to the work.

9. The applicant has not produced any material to show that he had given any representation either to the respondents or to any other competent authority for taking him back to duty even assuming that his service had been dispensed with with effect from 1.1.1988. The bald statement in the application as well as in the affidavit filed in support of the I.A. that he was making representations and he was promised that he would be given a job at some point of time does not carry conviction in the absence of any adequate material placed before us to show that either subsequent to 15.7.1987 or even subsequent to 1.1.1988 the applicant had been making any representation and was promised that he would be reinstated or taken back to duty. The learned counsel appearing for the applicant pointed out that persons who were similarly placed like the applicant had approached this Tribunal in A No.730 to 766/88 and this Tribunal by order dated 14.10.1988 had given relief to those applicants by directing the respondents to appoint a Screening Committee for determining as to whether any of the applicants therein deserved to be appointed to Group C post and if it is found that some of those applicants can be appointed to Group C posts, they may be absorbed in such position without raising any technical objections. He also submitted that this Tribunal had passed the order on 14.10.1988 granting certain reliefs to the applicants in A No.730



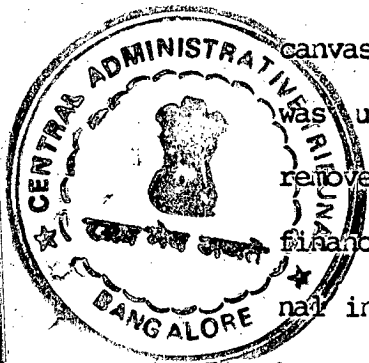
HN

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to 766/88. Learned counsel urged that when this Tribunal had granted such reliefs in A No.730 to 766/88 to those applicants who were similarly placed like the applicant, this is a fit case where this Tribunal should condone the delay and admit the application so that the applicant herein can also get similar relief like the one granted to the applicants in A No.730 to 766/88. Learned counsel for the applicant has produced a copy of the order passed by this Tribunal in A No.730 to 766/88 for our perusal. On perusing the order dated 14.10.1988 in A No.730 to 766/88 we find that the applicants therein were working as daily casual labourers and had joined the work in diverse roles during the period from 1979 to 1987 and they had complained that in spite of their having been working for long periods they have been treated as daily casual labourers without being absorbed in the regular service of R-3 to 5 therein and sought directions for regularising their services in the posts held by them or in the Institute of Wood Sciences and Technology which had been newly established by Government of India at Bangalore. Considering the reliefs that had been sought for by the applicants, this Tribunal gave the directions in those applications. The applicant herein cannot claim that he is similarly placed like the applicants in A No.730 to 766/88. Admittedly the applicant has not been working as daily casual labourer after 1.1.1988 according to him, while he has not been working as such from 15.7.1987 according to the respondents. That being the case the applicant cannot, in our opinion, claim that the inordinate delay in approaching this Tribunal is liable to be attended on the ground that his case is similar to the case of the applicants in A No.730 to 766/88.

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10. If we see the grounds put forth by the applicant in the affidavit filed in support of IA No.1 the applicant has averred that he has been requesting the authorities to take him back to the job and that he was promised that they would provide him a job early and as such the applicant was representing to the respondents again and again and because he was promised a job, he thought that he would be provided with a job and as such could not seek the legal redress within a reasonable time. The other ground put forth is that the applicant is illiterate and an ignorant person ignorant of legal procedure and he being the only bread winner of the family being the eldest son and has been undergoing financial hardship and stringency and as such he could not approach this Tribunal within time. The applicant has claimed in the affidavit filed along with the application for condoning delay, that delay has been caused only on account of the respondent organisation and not on account of any negligence or lapses on his part and that it is a continuing wrong done by the respondents. Learned counsel for the applicant while canvassing for condonation of delay urged that since the applicant was making representations to the respondents again and again and was entertaining the belief that the respondents would provide him with the job the applicant was constrained to wait believing such promises made by the respondents and as such could not approach this Tribunal within time. The other ground which he seriously canvassed was that the applicant is an illiterate person and was undergoing financial difficulties after the applicant was removed and he being the eldest son in his family had undergone financial restraints and as such he could not approach the Tribunal in time. Another strong ground urged was that the applicant has got a good case on merits and mere technicalities should



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not come in the way of the applicants case being decided on merits and the delay in approaching this Tribunal should be condoned on that ground. In our opinion none of these grounds put forth on behalf of the applicant can be countenanced as sufficient grounds for condoning the delay in approaching this Tribunal. The term "sufficient cause" has nowhere been defined and it cannot also be precisely defined within a straight jacket formula. As to what is "sufficient cause" has to depend on the facts and circumstances of each case. The ruling on which the learned counsel strongly relied ie., the one reported in AIR 1987 SC 1353 which we have referred to earlier dealt with the case of an appeal filed by the State Government after a delay of four days, having been dismissed as time barred by rejecting the application for condonation of delay. Their lordships of the Supreme Court in the said ruling emphasised the factors that should ordinarily weigh with the courts in considering the question of condoning the delay and emphasised that there should be justifiable liberal approach in considering the question of condoning the delay. In the present case as we have already pointed out the only material that is forthcoming which can have some reliability and relevance is that the applicant for the first time issued a legal notice as per Annexure A-1 dated 25.10.1989 though he, according to his own admission, came to be terminated from service with effect from 1.1.1988. As has already been pointed out, there is nothing placed before us to show that any representation had been given by the applicant to the competent authority in respect of the alleged termination from the job with effect from 1.1.1988. The applicant has approached this Tribunal by way of application on 1.3.1990 and there has been considerable delay

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in approaching this Tribunal. None of the grounds urged on the side of the applicant appear to us to be sufficient enough to condone this long and inordinate delay in approaching the Tribunal. The decision rendered by a Bench of this Tribunal in A No.730 to 766/88, for the reasons we have already assigned, cannot enure to the benefit of the applicant in condoning the delay in approaching this Tribunal.

12. For these reasons we are not inclined to accept the contentions urged on the side of the applicant that the applicant has made out sufficient grounds to condone the delay. We accordingly reject the I.A. No.1 filed by the applicant. In view of our having held that the delay is not liable to be condoned and rejecting the I.A. No.1, it follows that the present application is also liable to be dismissed and we accordingly dismiss the application also. No costs.



bsv

Sd-  
MEMBER (A)

Sd-  
MEMBER (J)

**TRUE COPY**

*[Signature]*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

2/12/92

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560038.

Dated: 15.10.93

Review Application No. 10/93in

APPLICATION NO(S) 168 Of 1990.

APPLICANTS: M. Vijayakumar

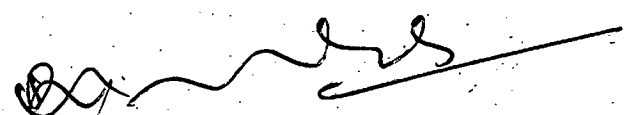
RESPONDENTS: Director General, ICFRE,  
Dehradun and others.

TO.

1. Sri. M. Ashwathanarayana Reddy,  
Advocate, 125-127, First floor,  
Sri Raghavendra Market,  
Avenue Road, Bangalore-2.
2. Sri. M. S. Padmarajiah,  
Central Govt Stng Counsel,  
Bangalore-1
3. The Director, Institute of Wood Science  
and Technology, Forest Research Laboratory Campus,  
Malleswaram, Bangalore-3.

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

Please find enclosed herewith a copy of the  
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the  
above said application(s) on 06-10-93.

  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.


Issued

gm\*

**In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore**

RA 10/93  
Application No.....of 199

**ORDER SHEET (contd)**

Date	Office Notes	Orders of Tribunal
		<p><u>SG (MA)/ANV (MJ)</u> <u>6.10.93</u></p> <p>This Review Application was called in the morning and again at 2.15PM as second time. On 27.9.93 when the Review Application came up for hearing, the applicant appeared in person and he was advised that one last chance is being granted and the case will be posted for hearing on the question of admission to 6.10.93. In spite of this, we find neither the applicant nor his counsel is present.</p> <p>In view of this we reject this Review Application at the admission stage itself for want of prosecution.</p>
		<p style="text-align: center;"><i>Sd-</i> MEMBER (J)</p> <p style="text-align: center;"><i>Sd-</i> MEMBER (A)</p> <p style="text-align: right;"><b>TRUE COPY</b> <i>[Signature]</i> SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE <i>5 Oct 93</i></p>