

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 22 FEB 1994

APPLICATION NO(s) 253 of 1994

APPLICANTS: H. Shivarudrappa

RESPONDENTS: Secretary, Deptt. of Revenue,
New Delhi and Other.

TO.

1. Sri. Chandrashekar Associates,
No. 120/A, Second Floor, V Main
Fourth Block, Rajajinagar,
Bangalore-560 010.

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

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 08-02-1994.

Issued
23/2/94

for *[Signature]*
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

olc

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A.NO.253/94

TUESDAY THIS THE EIGHTH DAY OF FEBRUARY 1994

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri T.V. Ramanan ... Member [A]

Sri H. Shivarudrappa,
S/o Sri Hosalappa,
Major, K.R. Extension,
III Cross, Tumkur,
[Vijaya Tailor] Tumkur.

... Applicant

[By Advocate Shri K.N. Chandrashekar]

v.

1. The Secretary,
Union of India,
Revenue Department,
New Delhi.

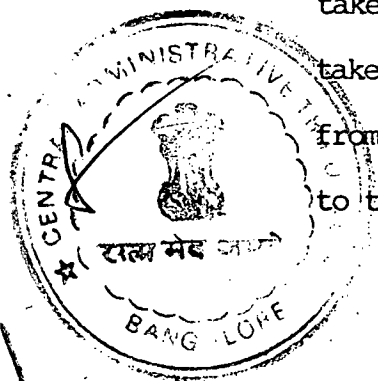
2. The Inspecting Assistant
Commissioner, O/o Inspecting Assistant
Commissioner of Income Tax,
Range III, Bangalore.

... Respondents

ORDER

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. A fervent appeal is made to us by the learned counsel who seeks from us a direction that an administrative appeal said to have been filed by the applicant against the impugned order of termination before an appellate authority way back in 1970 is still pending before the appellate authority upto this day. If the facts are as represented to us we can only express our total dismay at the tardy manner in which the appellate authority appears to have been functioning but much to our regret we cannot take up the applicant's cause as the matter pertains to action taken to injure the applicant way back in the year 1970. Apart from the fact that we are taken back to something that happened to the applicant 24 years ago which would of course entail rejec-



tion on the ground of staleness of the demand we are afraid we cannot even do that because we have no jurisdiction in the matter. The Administrative Tribunals were constituted in the year 1985 under an Act which came into force from 1.11.1985 and under the aforesaid Act we are authorised a throwback of three years from the date of the Act but not beyond. In this case the cause of action if any having arisen in the year 1970 and is, therefore, something which we cannot scan or do anything to remedy the grievance of the applicant. As it is under law we do not have competence or the ^{jurisdiction} jurisdiction. For these reasons this application fails and the same is dismissed at the stage of admission. But then counsel says that he would now be at liberty to approach the proper forum to seek whatever relief his client is entitled to. We certainly agree with him. If any other forum has jurisdiction to remedy the applicant's grievance he is most welcome to approach that forum and seek his remedy. Our view as aforesaid in declining interference herein is also supported by the decision of the Central Administrative Tribunal in the case of V.K. MEHRA V. SECRETARY reported in ATR 1986 CAT 203. The order which we have just now made is in consonance with the aforesaid decision.

Sd-

MEMBER [A]

bsv

Sd-

VICE-CHAIRMAN

TRUE COPY

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

