

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated:- 30-5-94

APPLICATION NUMBER: 272 of 1994.

APPLICANTS:

Sri.S.Jayaveeran v/s.  
To.

RESPONDENTS:

Chairman, Telecom Commission, NDelhi  
and Others.

1. Sri.K.V.Suryanarayanaiah, Advocate,  
HL No.587 FORT, Krishnarajapuram,  
Bangalore-560036.
2. Sri.M.Vasudeva Rao, Addl.C.G.S.C,  
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the  
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/  
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above  
mentioned application(s) on 18-05-1994.

*S. R. Rao*  
for DEPUTY REGISTRAR 30/5/94  
JUDICIAL BRANCHES.

gm\*

*O/C Sealed*  
*E.M.*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

WEDNESDAY THIS THE EIGHTEENTH DAY OF MAY, 1994

ORIGINAL APPLICATION NO.272/94

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. V. RAMAKRISHNAN MEMBER (A)

Shri S. Jayaveeran,  
Accounts Officer,  
aged 37 years,  
Residing at E-III/B,  
P&T Staff Quarters,  
Kaval Byra Sandra, RT Nagar Post,  
Bangalore - 560 032  
Applicant

( By Advocate Shri K.V. Suryanarayanaiah )

v.

1. Union of India,  
Chairman,  
Telecom Commission,  
Department of Telecom,  
New Delhi
2. Member (Finance),  
Telecom Commission,  
New Delhi
3. Secretary,  
Department of Per. & Trg.,  
New Delhi  
Respondents

( By learned Standing Counsel )  
Shri M.V. Rao

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

ORDER RE ADMISSION

We have heard the learned counsel for the applicant and also the learned Standing Counsel who, at the outset, submits that he may be given time for filing objections. But we find that this application is inordinately delayed. The

grievance of the applicant is all about the promotion which he is said to have been deprived of in the year 1990 and even earlier. Admittedly, he had made a representation to the Director General of the Telecommunication Department in that behalf. It appears that representation was turned down by an order made on 15.10.91 which the applicant received on 24.10.91 vide his statement at page 2 of the affidavit filed in support of the application made herein for condonation of delay in making this application. Thereafter, it would appear the applicant again made a representation to the Chairman of the Telecom Commission and it is said that the said representation is still pending consideration.

2. Be that as it may, officially the lid against the applicant's case for promotion closed with the turning down of the applicant's representation by the Director General under communication dated 15.10.91 received by the applicant admittedly on 24.10.91. Under the Recruitment Rules, no further appeal therefore is provided and therefore no question of applicant availing a further statutory remedy arises.

It is an axiomatic principle that repeated representation made against an administrative order does not have the form of an appeal under the rules. It is not denied that he had no right of appeal under law against the order of Director General. The fact that the applicant availed of some remedy of his choice cannot assist him in pleading that there existed just cause in that the delay involved was justified.

3. We think there is no justification for the delay involved in the presentation of this case

which is belated by about 400 and odd days. As a matter of fact it appears to be much more. The applicant's representation to the Director General was turned down in the year 1990. Apart from stating that he was patiently waiting at the doors of the Chairman for a favourable disposal of his representation, no other explanation is coming forth from the applicant. We have pointed out that repeated representations not sanctioned by law is of no avail. It is contended that his representation to the Chairman instead of being turned down should have been honoured and the applicant's claim should have been granted in consonance with some presidential fiat. If that was so, the applicant should have come in time for a redressal of his grievance. He must pay for his lethargy and remissness. We cannot condone the admittedly longish delay on the grounds put forth and accordingly the application for condonation of delay stands rejected and in consequence the application dismissed as barred by time. No costs.

Sd/-

Sd/-

( V. RAMAKRISHNAN )  
MEMBER (A)

( P.K. SHYAMSUNDAR )  
VICE CHAIRMAN

TRUE COPY

*R. Shyam Sundar*  
SECTION OFFICER 34  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

