

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 971 of 1995.

~~Transfer Application No:~~

DATE OF DECISION: SEPTEMBER 11, 1995.

Manoharchandra R. Joshi, Petitioner

Shri P. C. Marpakuwar, Advocate for the Petitioner

Versus

Union Of India & Others, Respondent's

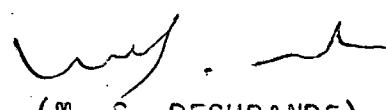
Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

The Hon'ble Shri P. P. Srivastava, 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. S. DESHPANDE)
VICE-CHAIRMAN.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

CAMP : NAGPUR

ORIGINAL APPLICATION NO.: 971 OF 1995.

Manoharchandra R. Joshi

...

Applicant

Versus

Union Of India & Others

...

Respondents.

CORAM :

Hon'ble Shri Justice M.S. Deshpande, Vice-Chairman.

Hon'ble Shri P. P. Srivastava, Member (A).

APPEARANCE :

1. Shri P.C. Marpakwar,
Counsel for the applicant.

ORAL JUDGEMENT

DATED : SEPTEMBER 11, 1995.

(Per.: Shri M. S. Deshpande, Vice-Chairman)

1. Heard Shri P.C. Marpakwar, Counsel for the applicant. It is apparent that the applicant had not filed any petition before the Tribunal after his dismissal, as a sequel to the departmental enquiry on 10.08.1981. The only reason which the applicant puts forward with regard to delay in filing the O.A. is that the others who had approached the Tribunal were granted relief on the petitions which they had filed. This cannot be a reason for the applicant not to prosecute his own remedy when others did so. The O.A. is barred by time and the same is dismissed.

(P. P. SRIVASTAVA)
MEMBER (A).

(M. S. DESHPANDE)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

R.P. NO. 99/96 IN O.A. NO. 971/95.

Dated, this 11, the day of November, 1996.

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).
HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

Manoharchandra R. Joshi ... Applicant
VERSUS

Union Of India & Others ... Respondents.

Tribunal's order by circulation :

{ PER.: SHRI B.S. HEGDE, MEMBER (J) }

1. The applicant has filed this application seeking review of the order dated 11.09.1995. The O.A. was disposed of with the following direction :

"The only reason which the applicant puts forward with regard to delay in filing the O.A. is that the others who had approached the Tribunal were granted relief on the petitions which they had filed. This cannot be a reason for the applicant not to prosecute his own remedy when others did so. The O.A. is barred by time and the same is dismissed."

2. In this Review Petition the applicant has annexed a copy of Supreme Court decision in Collector, Land Acquisition Anantnag & Another V/s. MST. Katiji & Others

(Signature)

1987 (28) ELT 185 (S.C.). Relying upon that decision, the applicant has filed this Review Petition urging that merely on the ground of delay, the petition should not have been dismissed. Even in filing the review petition the applicant has delayed more than 172 days and he has not affirmed the application and copy of the order was also not attached. Later on when these objections were brought to the notice of the applicant, the same has been complied with. No doubt the principle laid down by the Supreme Court equally applies to the parties in this case but the applicant has not made out any fresh point for our consideration and has also not made out any ground for admitting the O.A. and disposal of the same. The applicant knowingly did not intend to pursue the same despite his knowledge that other people similarly placed have obtained the relief and filed the O.A. after a lapse of 14 years. The Apex Court in Bhoop Singh V/s. Union Of India | JT 1992 (3) SC 322 | has held that the judgement and orders of the court in other cases do not give cause of action. The cause of action has to be reckoned from the actual date. In this case, the cause of action arose in the year 1981-82, nevertheless, the applicant did not take any action till 1995 and he filed this O.A. only on the basis of the decision obtained by others, who are alleged to be similarly placed as that of applicant.

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3. In the circumstances, we do not find any merit in the Review Petition apart from delay in filing the same. Accordingly, the review petition is dismissed by circulation.


(P. P. SRIVASTAVA)
MEMBER (A).


(B. S. HEGDE)
MEMBER (J).

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