

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, MUMBAI:1

Original Application No. 958/97

Monday the 27th day of October 1997.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman
Hon'ble Shri M.R. Kolhatkar, Member (A)

Hari Vyankatesh Tamhankar
Residing at 210 Har Har Mahadeo
Co.op Hsg. Sty. Patilwadi,
Panchpakadi, Thane.

... Applicant.

Applicant in person.

V/s.

Cotton Technological Research
Laboratory, Post bag No. 16640
Adenwala Road, Matunga, Mumbai

The Indian Council of Agricultural
Research, Krishi Bhawan,
New Delhi.

... Respondents.

ORDER (ORAL)

Per Shri Justice R.G. Vaidyanatha, Vice Chairman

The applicant in this O.A. is seeking redressal to get payments from 1982. The applicant has been retired from service from 31.10.82. Now after 15 years he has come up with the present application seeking promotional benefits and other consequential benefits. On the face of which the application is hopelessly barred by limitation. No doubt an M.P. has been filed praying for condonation of delay. Except stating that the applicant was not well, No material was placed before this Tribunal to consider the request of the applicant, that too particularly when delay

^{is} is involved^{of} of 15 years. After perusal of the record, we are not satisfied with the applicant's case for condonation of delay.

With the above reasons, application for condonation of delay is rejected. Accordingly the O.A. is dismissed as barred by time.


(M.R. Kolhatkar)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

REVIEW PETITION NO. 66 OF 2000
IN
ORIGINAL APPLICATION NO. 958 OF 1997

Dated. 10th July 2007.

CORAM: HON'BLE SHRI S.L. JAIN. .. MEMBER (J)
HON'BLE SMT. SHANTA SHASTRY. .. MEMBER (A)

Shri Hari Vyankatesh Tamhankar .. Petitioner

By Advocate Shri S.S. Karkera

Vs.

1. The Director,
Cotton Technological Research Laboratory,
Post Bag No.16640,
Adenwala Road, Matunga,
Mumbai-400 019.
2. The Under Secretary,
The Indian Council of
Agricultural Research,
Krishi Bhavan,
New Delhi-110 001. .. Respondents

By Advocate Shri V.G. Rege.

O R D E R (ORAL)

Hon'ble Shri S.L. Jain.

... Member (J)

The applicant has preferred this review petition in respect of an order passed in OA 958/97 on 22nd October, 1997 on 3.11.2000. In para 7 of the review petition, it is mentioned that

"The petitioner states that the Original Application in the documents thereof was also not available with the petitioner since the earlier advocate has not handed over the entire paper and the petitioner ultimately took the certified copy of the Original Application before this Hon'ble Tribunal on 19th October, 2000 and filing the Review Petition before this Hon'ble Tribunal."

PLS

The learned counsel for the respondents stated that the application for copies of the OA along with documents was filed on 18th October, 2000. The said fact could not be refuted by the learned counsel for the review petitioner. Thus, it is a fact that the care in respect of order dated 27th October, 97 was taken to review the same on 18th October, 2000 after a period of about 3 years.

2. On perusal of the review application, in which, the ground for filing the delayed review application, we do not find any sufficient cause for condoning the delay in filing the review application.

3. It is stated by the learned counsel for the review petitioner that the matter was argued by the applicant himself in the original OA. We agree with the learned counsel for the respondents that the papers must be with the applicant. There is no pleadings to the effect that in such circumstance the papers were lost. The applicant must have taken care to file the application for review of the order within 30 days from the date of the order.

4. The learned counsel for the review petitioner contends that promotion is a fundamental right and delay should not be considered. On perusal of the original OA we find that the applicant prayed the relief in respect of the cause of action which has arisen in the year 1982

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and the OA was filed in the year 1997. It is a case, where the applicant is guilty of gross delay and latches. Not only this, the applicant got the reply well in time vide order dated 23rd March, 1984 and 14th March, 1985 which are annexed as Annexures "A & B" to the original OA respectively regarding his grievances.

5. In the result, we do not find any sufficient cause for condoning the delay in filing the review petition and hence the prayer for condoning the delay deserves to be rejected and in the result the order passed in the OA need not be reviewed. The review application fails. No orders as to cost.

h ant I
(SHANTA SHASTRY)
MEMBER (A)

S.L. Jain
(S.L. JAIN)
MEMBER (J)

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