

(27)

# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

RP 71/91 <sup>in</sup>  
O.A. No. 849/91  
~~Te.A. No.~~

Date of Decision : 24.12.91

Mr. CVS Ramakrishna

Petitioner.

Mr. K. Janardhan Rao for Mr. MP Chandramouli

Advocate for the  
petitioner (s)

Versus

Union of India and 2 others

Respondent.

Mr. M. Jaganmohan Reddy, Addl. CGSC

Advocate for the  
Respondent (s)

CORAM :

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

THE HON'BLE MR. T. Chandrasekhar Reddy, Member (Judl.)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HRBS  
M(A)

HTCR  
M(J)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

We have heard Mr. K.Janardhan Rao appearing for Mr. M.P.Chandramouli, learned Advocate for the applicant and Mr. M.Jaganmohan Reddy, learned Additional Standing Counsel for the Respondents. Mr. Jaganmohan Reddy opposed the application (Review Petition) on the plea that the <sup>O.A. is</sup> ~~the~~ squarely attracted by the limitation.

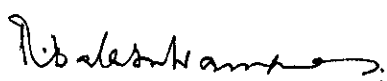
2. When the O.A.No.849 of 1991 came up for admission, hearing on 4.9.1991, the Bench dismissed it at the admission stage itself on the ground that it was squarely hit by limitation. In the course of hearing of the review petition 71/91 in this O.A.No.849/91, the learned counsel for the applicant, Mr. K.Janardhan Rao appearing for Mr. M.P.Chandramouli pointed out that similar cases like O.A.Nos.81 to 89/91 and the other cases mentioned in the affidavit to this review petition had been admitted. We have examined those applications also and we find that they have been admitted without going into the question of limitation. Since the merits of the case both in the OA 849/91 before us and the other OAs are similar, we consider it fair that this OA should also be placed on par with those OAs. As the Bench has not considered the question of limitation in the other OAs at the time of admission, we consider it fit and proper

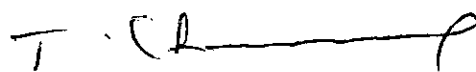
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to quash and set-aside our orders dated 4.9.1991 dismissing and accordingly we quash and set-aside the orders dt 4.9.91 passed in this OA. the OA 849/91 as barred by limitation/ After hearing both the sides, we feel it fit to admit this OA 849/91 so as to <sup>place</sup> ~~pinch~~ it on par with the other OAs. We make it clear that the question of limitation is kept open as in the 81 to 89/91 etc. other OA Nos. With the above directions, the review petition is disposed of ~~as~~ with no order as to costs.

The main OA No.849/91 is admitted. Issue notice to the respondents returnable within four weeks.

  
(R. BALASUBRAMANIAN)  
Member (Admn.)

  
(T. CHANDRASEKHAR REDDY)  
Member (Judl.)

(order dictated in open Court)  
Dated: 24th December, 1991.

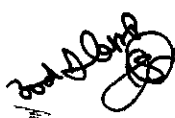
  
Deputy Registrar (J)

30/12/91

- To
1. The Secretary, Union of India, Ministry of Defence, New Delhi.
  2. The Flag Officer, Commanding-in-chief, Mukhalaya, Pooru Nausena Kaman, Nausena Base, Visakhapatnam-14.
  3. The Base Victualling Officer, Base Victualling Yard, Visakhapatnam
  4. One copy to Mr. M.P. Chandramouli, Advocate, CAT.Hyd.Bench.
  5. One copy to Mr. M. Jaganmohan Reddy, Addl. CGSC. CAT.Hyd.Bench.
  6. One spare copy.

vsn

pvm

  
30/12/91