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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

MISCELLANEOUS APPLICATION NO.1010/1992

AND

O.A.NO.827 of 1992

DATE OF JUDGMENT: 13th October 1992

BETWEEN:

Mr. A.Subba Rao

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Applicant

AND

1. Union of India represented by
the Secretary,
Ministry of Communications,
New Delhi.
2. The Director (DE) & (VP),
Dept. of Telecom.,
Telecom Board,
New Delhi.
3. The Member (Personnel),
Telecom Board,
Dept. of Telecom,
New Delhi.
4. The Director,
Telecom.,
Guntur-522007.
5. The Divisional Engineer,
Telecommunications,
Krishna Division,
Machilipatnam-521001.

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Respondents

COUNSEL FOR THE APPLICANT: Mr. T.Jayant

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl.CGSC

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CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri C.J.Roy, Member (Judl.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI C.J.ROY, MEMBER (JUDL.)

This O.A. is filed by the applicant to direct the respondents to reinstate him in service with all consequential service and monetary benefits by setting-aside the impugned dismissal order No.X/ASR/85-86/79, dated 28.10.1985 passed by the 5th respondent as confirmed by the 4th, 3rd and 2nd respondents vide their orders dated 19.3.1986, 7.1.1988 and 24.2.1989 respectively.

2. The applicant was appointed as Telecom Office Assistant w.e.f. 6.7.1981 and placed under suspension w.e.f. 19.9.1984 on the plea of contemplation of disciplinary proceedings against him. Thereafter a charge memo dated 17.10.1984 was issued under Rule 14 of the CCS (CCA) Rules, 1965 alleging that the date of birth furnished by the applicant as 15.8.1957 in the application for the post of TOA in 1981 was found to be incorrect. As the applicant denied the charge, an inquiry was held and relying on the Inquiry Officer's report, the applicant was dismissed from service, by the order dated 28.10.1985. The applicant made an appeal on 7.12.1985 and the same was rejected by the respondents on 19.3.1986. The Revision petition made on 2.6.1986 was also rejected on

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7.1.1988. He made a Review Petition to the President of India on 17.8.1988 which was also rejected on 24.2.1989.

3. The applicant filed M.A.No.1010/92 for condoning the delay of two years, 6 months and 22 days in filing the O.A., stating that the applicant was mentally depressed and he had to undergo treatment during the period from 14.11.1989 to 14.7.1992 and hence he could not approach the Tribunal in time.

4. We have heard the learned counsel for the applicant Mr. T.Jayant and the learned Additional Standing Counsel for the respondents, Mr. N.V.Ramana.

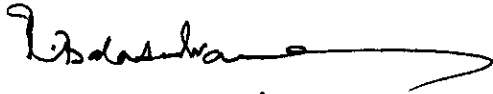
5. Though the applicant says that there was a delay of 2 years, 6 months and 22 days, we feel that the delay is more than five years taking into consideration the appellate order dated 19.3.1986. There is no statutory provision for the revision petition, review petition etc., to the appeal. The final rejection of the appeal dated 7.12.1985 was made on 19.3.1986 by the appellate authority. The O.A. is filed on 15.9.1992 with this M.A. for condoning the delay of 2 years, 6 months and 22 days. The reasons given for the delay in filing the O.A. as stated in the is that, "the applicant was suffering from mental ion and that he had to undergo medical treatment he period from 14.11.1989 to 14.7.1992."


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6. The applicant failed to show sufficient reason to condone the delay of more than five years in filing this O.A. Therefore, the O.A. cannot be entertained as it is barred under Section 21 of the Administrative Tribunals Act, 1985. The applicant atleast ought to have approached the Tribunal within 1½ years from the date of rejection of his appeal which he did not do. We see no reason to condone the delay. The M.A. is accordingly dismissed.

7. In view of our dismissal of the M.A. on the ground of limitation, we are not going into the merits of the case. The O.A. is accordingly rejected.


(R. BALASUBRAMANIAN)
Member (Admn.)


(C. J. ROY)
Member (Judl.)

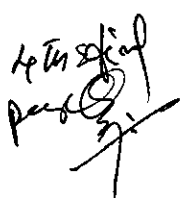
Dated: 13th October, 1992.


Deputy Registrar (J)

To

1. The Secretary, Union of India, Ministry of Communications, New Delhi.
2. The Director (DE) & (VP)
Dept. of Telecom., Telecom Board, New Delhi.
3. The Member (Personnel) Telecom Board,
Dept. of Telecom, New Delhi.
4. The Director, Telecom, Guntur-7.
5. The Divisional Engineer, Telecommunications,
Krishna Division, Machilipatnam-1.
6. vsn One copy to Mr. T. Jayant, Advocate, CAT. Hyd.
7. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
8. One spare copy.

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COMPARED BY

CHECKED BY = 3

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

Dated: 13-10-1992

~~ORDER~~/JUDGMENT:

R.A. /C.A. /M.A.No. 1010/92 &
in

O.A.No. 827/92

T.A.No. (wp.No)

Admitted and interim directions
issued.

Allowed

Disposed of with direct

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

