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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

S.R.
R.P. No. 3314/93 & M.A. No. 878/93
in
O.A. No. 69/92

Date of Order: 11.11.1993

BETWEEN:

N.Narasimha Rao .. Applicant.

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1. The Secretary, Dept. of Posts,
Dak Sadhan, Sansad Marg, New Delhi-1.
2. The Chief Post-Master General,
A.P.Circle, Hyderabad.
3. The Post-Master General,
Hyderabad Region, Hyderabad-1. .. Respondents.

Counsel for the Applicant .. Mr. S. Ramakrishna Rao

Counsel for the Respondents .. Mr. N.R. Devraj

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY IS MEMBER (AUDL.)

R.P.Sr.No.3314/93

Dt. of decision: 11-11-93 (8)

Judgement

As per the Hon'ble Sri T. Chandrasekhar Reddy, Member (Jud1.)

This R.P.Sr.No.3314/93 filed under Rule 17 of the Central Administrative Tribunal Procedure Rules, 1987 to review the judgement dt.10-7-92 passed in M.A. No.113/92 in OA No.69/92.

2. After perusing the grounds of review petition we proceed to dispose of the matter by circulation. The OA No. 69/92 had been filed by the review petitioner herein for directions to the respondents to fix the pay of the applicant, equal to his junior w.e.f. 1-6-74 with all consequential benefits. There was 1 year 3 months delay in filing OA No.69/92. So, MA No.113/92 was moved by Mr. S. Ramakrishna Rao, counsel for review petitioner herein to condone the delay of 1 year 3 months in filing the OA 69/92. MA No.113/92 and OA No.69/92 was disposed of by a common order dt.10-7-92 passed by this Tribunal. The said order dt.10-7-92 reads as follows:

"The grievance of the applicant relates to the year 1976-77. In view of this position Tribunal does not have jurisdiction to entertain this O.A. Hence M.A. 113/92 that filed to condone the delay in filing the OA is rejected and as a consequence the OA is also rejected. The parties shall bear their own costs."

3. It is said order that ~~not~~ to be reviewed in R.P. Sr.No.3314/93. There is also a delay of 1 year 2 months 7 days in filing the review petition. So the review petitioner filed MA 878/93 to condone the said period of

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1 year 2 months 7 days in filing the review petition. In the affidavit accompanied in M.A.878/93 it is averred due to the old age of the review petitioner that he had health problems, could not contact the counsel inspite of repeated reminders and he was not able to move due to 'arthiritis' problem which made him immovable even for short distances. It is further averred in the said affidavit, during the process of collecting further information with regard to his case and consequent to his health problems due to old age that there is delay of 1 year 2 months 7 days to file the review petition, so it is maintained that the said delay of 1 year 2 months 7 days in filing the RP is liable to be condoned.

4. The review petitioner had not filed any medical certificate from a competent doctor to show that he was having any health problem from 10-7-92 onwards till the RP was filed, due to which the review petitioner was not in a position to move. In the absence of any medical certificate from a competent doctor, it is rather difficult to believe that the review petitioner was having any ~~laxem~~ health problem and as a consequence could not approach this Tribunal.. No sufficient cause has been made out by the review petitioner to condone the said delay of 1 year 2 months 7 days to file this review petition. We see any amount of latches on the part of the applicant in approaching this Tribunal to file the review petition. It is quite evident that the applicant had been negligent to peruse this remedy by the way of review petition. For all these reasons we do not have any hesitation to come to the conclusion that the MA.878/93 is liable to be dismissed, and MA.878/93 is accordingly dismissed. As M.A.878/93 is dismissed, the RASr.3314/93

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rejected as barred by time and
is liable to be accordingly rejected as barred by
time. The review petitioner shall bear the costs.

T. Chandrasekhar Reddy
(T. Chandrasekhar Reddy)
Member (Judl.)

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Deputy Registrar (J)

1. Secretary, Dept.of Posts, Dak Sadan,
2. Tnsad Marg, New Delhi-1.
3. The Post-Chief Postmaster General, A.P.Circle, Hyd.
4. One copy to Master General, Hyderabad Region, Hyderabad-1.
5. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
6. One copy to Li.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One spare copy. Library, CAT.Hyd.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER(A)

AND

THE HON'BLE MR.T. CHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 11 - 11 - 1993

ORDER/JUDGMENT:

SR
M.A/R.A/G.A. No. 3314/93

in

O.A.No. 69/92

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

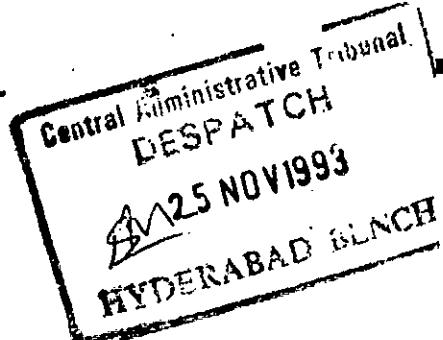
Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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