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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

M.A.No. 910/96 in
RASR.No. 2814/96 in
O.A.No.1297/94

Date of Order: 14.3.97

BETWEEN:

1. The Govt. of India, rep. by the General Manager, S.E.Rly., Garden Reach, Calcutta.
2. Chief Personnel Officer (Admn.) S.E.Rly., Garden Reach, Calcutta.

.. Applicants/
Respondents.

AND

P.Rajeswara Rao

.. Respondent/
Applicant.

Counsel for the Applicants

.. Mr.N.R.Devraj

M- A Venkatesh Kumar

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.)

Heard Mr. N.R.Devraj, learned counsel for the applicants in the RA and Mr.A.Kilambi, for the respondent in the RA.

2. The applicants in the RA (respondents in the OA) have filed this petition regarding the RA.

3. The OA was decided on 3.6.96. A reading of Para-4 of the judgment will show how indulgence was shown by this Tribunal to get the facts of this case. One of the railway official who was present in the Tribunal when the case was heard was told



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to file an additional affidavit to dispose of this case. That official had also promised that additional reply affidavit will be submitted very shortly. The learned counsel for the respondents in the OA sent reminders on 19.5.95 addressed to the Deputy Chief Personnel Officer, Headquarters and on 27.6.95 to the Chief Personnel Officer for submission of the additional reply. Inspite of the best efforts made by the learned counsel for the respondents no additional affidavit was filed till the date when the judgement was dictated in the open court. The applicant in the OA is a retired official and hence the Bench felt that there is no use to keep on showing indulgence to the mighty respondents organisation to respond. Inspite of repeated reminders ~~they failed to~~ proper and suitable reply. In view of the refusal of the respondents to take action the OA was disposed of on the ~~date~~.

4. The present RA is filed for bringing some more materials for consideration and on that basis to review the judgement. In these materials can be collected now I see no reason for not collecting the same and submitting them in time when sufficient opportunity ~~was given~~. an additional affidavit. Even in filing this RA the respondents in the OA have not taken any diligent action. For reasons best known to them, they have delayed in filing the RA and come up with the MA for condonation in filing the RA. In view of the irresponsible behaviour of the respondents in the OA in not filing the additional affidavit inspite of sufficient time was granted to them to file additional affidavit and in view of the fact that even the revision petition was filed late, I am of the opinion that it will not be in order if indulgence is kept on showing at each and every stage without any rhyme or reasons. The applicant in the OA being a retired official



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cannot be harassed to keep on filing the reply on the condonation petition and the review petition.

5. Before I conclude I should also bring on record that the RA does not indicate plausible reason why the respondents ⁱⁿ ^{up} have not responded when a sufficient time was given to them and no regret is also expressed in the RA for the inaction on their part. This is very surprising and a court cannot be asked to admit an RA, when the respondents in OA has not acted justifiably and have not even expressed any regret for their inaction.

6. Hence the petition for condoning the delay has to be rejected as it was due to the failure on the part of the respondents in the OA to take judicious action in time. Hence the MA is dismissed. As the MA is dismissed, the RA stands rejected.



(R. RANGARAJAN)
Member (Admn.)

Dated : 14th March, 1997

(Dictated in Open Court)

sd



D.R. (J) *Ambedkar*
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