

MA.490/98 in RASR.1695/98 and

RASR.1695/98 in C.A.No.510/95 C-199

DATE OF DECISION: 1.2.2000

Asstt. Engr., C XL Mtce,
Kodad 508208 and
3 others

PETITIONER(S)

V. Rajeswara Rao

ADVOCATE FOR THE
XXXXXXXXXXXXX
PETITIONER(S)

VERSUS

P. Srinivas

RESPONDENT(S)

C. Suryanarayana

ADVOCATE FOR THE
RESPONDENT(S)

WITNESSES

HON'BLE BS Jai Parameshwar, M(J)

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment? —
2. To be referred to the Reporter or not? —
3. Whether the Judgment is to be circulated to the other benches? —

JUDGMENT DELIVERED BY HON'BLE

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

MA.490/98 in RASR.1695/98
& RASR.1695/98 in OA.510/95

dt. 1.2.2000

Between

1. Asst. Engineer
CXL Mtce, Kodad 508208
2. Sub Divn. Engineer
Telecom, Jaggayyapeta 521175
3. GM, Telecom, Vijayawada
4. DG, Telecom, New Delhi -1

applicants/Respondents

and

P. Srinivas

: Respondent/Applicant

Counsel for the applicants

: V. Rajeswara Rao
CGSC

Counsel for the respondents

: C. Suryanarayana
Advocate

Coram

Hon. Mr. B.S. JaiParameshwar, Member (J)



MA.490/98 in RASR.1695/98 &
RASR.1695/98 in OA.510/95

14
dt. 1.2.2000

Order

order (per Hon. Mr. B.S. Jai Parameshwar, M(J)

Heard Sri V. Rajeswara Rao, learned counsel for the respondents in the OA and Mr. C. Suryanarayana, learned counsel for the applicant in the OA.

1. The respondents have filed this application praying to review the order dated 18-8-1997 passed in the OA.
2. The direction given in the OA is as follows :

The respondents are directed to fix his seniority on the basis of his initial engagement from 1-10-1986 and grant consequential benefits like conferment of temporary status and regularisation of service, as envisaged under the relevant rules. The applicant shall not be entitled for any wages during the period of his disengagement.

Action in this regard may be completed within 90 days from the date of receipt of copy of this order.

3. The respondents have filed this application on 18-6-1998.

4. There is a delay of 268 days. Hence, they ^{have} filed this MA praying to condone the delay.

5. The applicant in the OA has opposed the application for review and also the application to condone the delay. The applicant submits that there is abnormal delay of 278 days and not 268 days as indicated in the MA. That the Tribunal knowing fully well the ^{conciliation} ~~sakshat~~ proceedings held before the Assistant Commissioner of Labour has issued proper directions and that there are no grounds to review the order dated 18-8-1997.

6. The only reason stated by the respondents in the affidavit filed in support of MA is "administrative reasons". The word 'administrative reasons' is a broad concept which cannot be taken so lightly to condone a delay of eight months and odd. I feel that the affidavit filed in support of the MA is as vague as it can be. Merely stating that the delay is due to administrative reasons cannot be accepted. How the delay occurred when the respondents noticed error in the order and when they felt it proper to file application for review are all necessary particulars to be mentioned by the respondents in the affidavit. The respondents are under the impression that the Tribunal can be persuaded to condone the delay simply mentioning that the delay was due to administrative reasons.


7. During the ^{course of} arguments the learned counsel for the respondents attempted to make out a case that the Public interest is involved in the matter and that the applicant is getting undue advantage of seniority even though he has not worked between 1988 and 91 and that therefore the delay be condoned.

8. In support of their contention the respondents have produced annexure R-2 which is Minutes of the Conciliation proceedings held by the Assistant Commissioner of Labour (C), Vijayawada.

9. The respondents though had not produced this letter along with the reply in the OA, had in fact referred to the said proceedings in para-3 of the reply statement. This Tribunal while issuing the direction has taken due note of the said averment.

10. In that view of the matter I find no merits
~~either~~ in the MA. MA is rejected.

11. Consequently, the RASR stands rejected.


(B.S. Jai-Parameshwar)
Member (Judl.)

Dated : 1st Feb , 2000



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