

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD (TELANGANA)
NO. 5-10-193, 1ST FLOOR, HACA BHAVAN, HYDERABAD - 500004

Order Sheet

Item no.: 4

M.A./224/2017 ()

In

O.A./229/2017

[CONDONATION OF DELAY]

[SENIOR CITIZEN]

Court No.: 1

No of Adjournment: 5

Order Dated: 23/02/2022

MD USMAN
Vs
M/O RAILWAYS

For Applicant(s) Advocate : KRKV Prasad

For Respondent(s) Advocate : M Brahma Reddy

Order of The Tribunal

Through Video Conferencing:

Mr. KRKV Prasad, learned counsel for the applicant.

Mr. M Brahma Reddy, learned counsel for the respondents.

MA No.224/2017 is filed by the applicant praying for condonation of delay of 580 days in filing OA No.229/2017. The reason stated in the application for the delay is that the applicant has filed the case before a wrong forum.

On the contrary, learned counsel for the respondents submits that the applicant has no case as per the Hon'ble Supreme Court judgments and even on merit as well. He has relied upon the judgment of the Hon'ble Supreme Court in the case of ***State of T.N. Vs. Seshachalam, (2007) 10 SCC 197*** in which it was held that filing repeated representations does not give fresh cause of action. He has also relied upon the judgments of the Hon'ble Supreme Court in the cases of ***State of Uttaranchal & Anr. Vs. Sri Shiv Charan Singh Bhandari & Ors., (2013) 6 SLR 629; State of Orissa V. Pyarimohan Samantaray & Ors. (1997) 3 SCC 396; Shiv Dass V. Union of India & Ors., (2007) 9 SCC 274 & Karnataka Rural Infrastructure Development Limited Vs. T.P. Nataraja & Ors. in CA No.5720 of 2021 dt. 21.09.2021.***

Heard counsel for the parties at length.

This Tribunal is a court of first instance. As held by the Hon'ble Supreme Court, as far as possible, a lenient view has to be taken and technicalities should not come in the way of delivering justice. Taking shelter of this, the Tribunal hereby condone the delay in filing this application. Accordingly, MA No. 224/2017 is allowed.

ADMIT, issue notice to the respondents to file reply to OA.

List the case before the Registrar's Court on 24.03.2022 for completion of pleadings.

Ashish Kalia
Member (J)

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