

SRI MANOHAR

A

v.

STATE OF KARNATAKA AND ORS.

NOVEMBER 2, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

B

Service Law :

Tribunal dismissing the case on ground of laches—Explanation given for laches not controverted by the other employer—Matter remitted back to Tribunal to examine and dispose of the case on merits.

C

This appeal is against the Karnataka Administrative Tribunal's order dismissing the appellant's case on the ground of laches.

Disposing of the appeal, this Court

D

HELD : In view of the fact that the respondents have not controverted the explanation given for the laches, there is some justification for the appellant to file the proceedings at belated stage. However, the relief cannot be granted since counter-affidavit has been filed. The matter is remitted to the Tribunal to examine the case on merits and dispose of the matter according to law. [726-B]

E

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 10213 of 1995.

From the Judgment and Order dated 5.3.93 of the Karnataka Administrative Tribunal in Application No. 611 of 1993.

F

R. S. Hagde for P.P. Singh for the Appellant.

Ms. Manjula Kulkarni for M. Veerappa for the Respondents.

G

The following Order of the Court was delivered :

Leave granted.

In spite of an opportunity having been given to the respondents to file counter-affidavit by our order dated October 11, 1993, till date no

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- A counter-affidavit has been filed. The Tribunal had dismissed the case on the ground of laches. In view of the fact that the respondents have not controverted the explanation given for the laches, we find that there is some justification for the appellant to file the proceedings at belated stage. However, the relief cannot be granted here since no counter-affidavit has been filed. In the circumstances, we remit the matter to the Tribunal to examine the case on merits and dispose of the matter according to law.
- B

The appeal is disposed of accordingly. No costs.

G.N.

Appeal disposed of.