

Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. RA- 40/89 in
OA-158/89

Date: 1-6-89

Armed Forces Hqs.
Stenographers Association Petitioner
(recognised)

Versus

Union of India & Another Respondents

For the Petitioner Shri S.K. Gupta,
President, AFHQSA

For the Respondents Shri P.H. Ramchandani,
Sr. Advocate

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman(Judl.)
Hon'ble Shri K.J. Raman, Administrative Member.

1. Whether Reporters of local papers may be allowed
to see the Judgement? *VO*

2. To be referred to the Reporter or not? *NO*

(Judgement of the Bench deliverdd by Hon'ble
Shri P.K. Kartha, Vice-Chairman)

The review petition has been filed by the
original applicant in OA-158/89. In OA-158/89 the
applicant had prayed that the Armed Forces Headquarters
Civil Service Rules, 1968 and all other actions taken
in pursuance thereof, including promotions made there-
under, be quashed and set aside being arbitrary, dis-
criminatory and violative of Articles 14 and 16 of the
Constitution and that the Stenographers be appointed on
32 posts of Supsts. and ACSO's falling to their quota
from due date with all consequential benefits.

2. After going through the records of the case and
hearing Shri S.K. Gupta for the applicant and Shri P.H.
Ramchandani, Senior Advocate for the respondents, the
Tribunal had held that the application is barred by
limitation and, accordingly, the same was dismissed at
the admission stage.

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3. In the review petition, it has been prayed that the petition may be allowed and the applicant may be heard on merits or, alternatively, the matter may be referred to a Larger Bench.

4. We have carefully gone through the review petition. We do not see any error apparent on the face of the judgement dated 10.3.1989 warranting a review of the same. In para.11 of the judgement, it has been observed that the admitted factual position in the instant case is that the grievance of the applicants arose during the period from 1963-68 when 25 vacancies earmarked for ~~not~~ ^{not} ~~an~~ them were filled up in accordance with the existing administrative instructions. Those administrative instructions were superseded by the recruitment rules of 1968 which held the field from 1968 to 1976. During that period, seven vacancies which were allocated to Stenographers, were not also filled up in accordance with the recruitment rules. The recruitment rules of 1968 were also amended in 1976. In paras. 12 and 13 of the judgement, reference has been made to the correspondence which had been made in regard to the grievance of the applicants. In para.14 of the judgement, the Tribunal had expressed the opinion that repeated representations made by the applicants through various letters and otherwise, will not have the effect of enlarging the period of limitation. In para.15, it was held that the application is not maintainable in view of the provisions of Section 21 of the Administrative Tribunals Act, 1985. The Tribunal has no jurisdiction to entertain an application in respect of a cause of action which arose prior to 1.11.1982. In

such a case, there is no question of even condonation of delay in filing the application. It would be a case of the Tribunal not having jurisdiction to entertain a petition.

5. The review petition has referred to the Armed Forces Headquarters Civil Service (Promotion to CSO and ACSO) Regulations, 1968, according to which, Select List in the grade of ACSO and CSO has to be drawn up every year. It has been alleged that select lists were not prepared in accordance with the above regulations during 1970 to 1975. By not doing so, the statutory regulations which are still in force, have been violated.

6. With regard to the amendment of the Rules in 1976, it has been alleged that the same is illegal, arbitrary, discriminatory and prejudicial to the interests of the Stenographers.

7. The review petitioner has also referred to the decisions of this Tribunal in B. Kumar Vs. Union of India & Others, A.T.R. 1988 (1) C.A.T. 1. Reference has also been made to the decisions of the Bangalore Bench of the Tribunal in G.K. Shenava & Others Vs. Union of India, 1989(1) SLJ, CAT 1. Referring to the aforesaid decisions of the Tribunal, the review petitioner has stated that this Tribunal should have followed the earlier decisions given by the Principal Bench in B. Kumar's case and by the Bangalore Bench in Shenava's case. In case the Tribunal wants to take a different view, the case should be referred to a Larger Bench.

8. The aforesaid contention is based on a misconception. The decisions of the Principal Bench in B. Kumar's case and

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of the Bangalore Bench in Shenava's case, are clearly distinguishable. We see no justification for referring the matter to a Larger Bench.

9. On a careful consideration of the petition, we see no substance in the same. In case the applicants feel aggrieved by the decisions given by the Tribunal, the proper course for them would have been to prefer an appeal in the Supreme Court and not to agitate the same matter in a review petition. In the circumstances, we reject the review petition.

K. J. Raman

~~(K. J. Raman)~~
Administrative Member

P. K. Kartha

~~(P. K. Kartha)~~
Vice-Chairman (Judl.)