

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A./T.A No 137 1988

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M. N. Thombre

Applicant(s)

G.I Desai

Versus

DIVISIONAL Railway Manager

Respondent(s)

N.S. Shinde

Sr.No.	Date	Orders
	<del>18.1.88</del> 26.1.88	Seniority / Promotion (Copy Served)

CORAM : HON'BLE MR. P.H. TRIVEDI : VICE CHAIRMAN  
HON'BLE MR. P.M. JOSHI : JUDICIAL MEMBER

24/2/1988

Heard Mr. G.I. Desai and Mr. N.S. Shevde learned advocate for the applicant and the respondent respectively. The learned advocate for the petitioner states that the relief regarding over-time, transfer and conveyance or travelling allowance is not being pressed for in this application and only the relief regarding seniority in para 7(A) has been asked in this case. As stated by him in para 2 of his petition he claims his seniority on the basis of trade test on 11-10-1979 when his cause has arisen as he was not allowed to appear in the trade test. Further, the petitioner contends that he came to know of this only when he was informed by letter dated 29th July, 1987 that he was erroneously called for the trade test and therefore his name was deleted of which information was given to him. He is entitled to file a petition since his cause was alive and only by this letter of July 29, 1987 he has reason to seek his remedy in the court. After hearing the learned advocate we do not find that the cause can be kept alive by waiting for a decision especially when the respondents have not replied to it that his representation was under consideration and in fact, he has been informed in the letter referred to that the information that he was called for the test erroneously was earlier given. For this reason the petition is not only barred by limitation but the delay in the case has been to such an extent that under the powers given to this Tribunal for condoning under Section 21 we have no power to condone it.

With this observations the petition stands rejected.

*P.H. Trivedi*  
( P.H. TRIVEDI )  
VICE CHAIRMAN

*P.M. Joshi*  
( P.M. JOSHI )  
JUDICIAL MEMBER

Rajini.