(2) (3)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

XXXXXXXXXXXXXXXXX

O.A. Nos. 234, 246 & 247 of 1990.
T.A. No.

DATE OF DECISION 16.7.1990

V.R. Patil, P.K. Rane and L.S. Kulkarni — Petitioner

Mr. M.D. Patel — Advocate for the Petitioner(s)

Versus

Union of India & Anr. — Respondent

Mr. N.S. Shevde — Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh .. .. .. Administrative Member

The Hon'ble Mr. N.R. Chandran .. .. .. Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND—12 CAT/86—3-12-86—15,000

V.R. Patil,
79, Chirayu Nagar,
Danteshwar,
Vadodara-390 004
(O.A./234/90)

P.K. Rane,
22, Hari Om Nagar,
Danteshwar,
Vadodara-390 004.
(O.A./246/90)

L.S. Kulkarni,
B-21, Shri Vijaynagar,
Opp. Police Colony,
Harni Road,
Vadodara-390 006. ... Applicants

Versus

1. Union of India,
   Through,
   General Manager, W.Rly.,
   Churchgate,
   Bombay.

2. Divisional Railway Manager(E),
   Western Railway,
   Pratapnagar,
   Vadodara-390 004. ... Respondents

(Common in all applications)

CORAM : Hon'ble Mr. M.M. Singh .. Administrative Member

Hon'ble Mr. N.R. Chandran .. Judicial Member

O.A. Nos. 234, 246 & 247 of 1990

O R D E R

Date : 16.7.1990.

Per : Hon'ble Mr. N.R. Chandran .. Judicial Member

All the three petitions raise a common cause; therefore, we decide to dispose of the cases by a common order. The applicants, herein, want promotion retrospectively from 21.4.1980 on the ground that their cases should have been considered against quota reserved

for direct recruits as per the Circular of the Railway Board dated 21-4-1980. According to this Circular against the 50% direct recruitment quota for the post of Assistant Draftsman, the cases of existing employees who possess Diploma in Draftsman course should be considered for vacancies to be filled up by direct recruitment if there is a short-fall in the same quota. The learned counsel for the applicant states that the applicants have been making several representations to the authorities but there was no response from them except a letter dated 29-11-1989. However, the learned counsel for the applicants has not filed any copy of the representations. It is not clear whether there is any shortfall or not in the quota reserved for the direct recruits.

From the facts it is clear that the cause of action arose in the year 1980 which is long before the constitution of the Central

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Administrative Tribunal. The New Bombay Bench has taken the view in the case of Ahmed Miya Vs. Union of India and Others 1989 (2) ATR 268 after considering earlier rulings that this Tribunal has no jurisdiction to entertain the matter even by condoning the delay if the cause of action arose before 1-11-1982. The applicants submit that several representations were made on various dates, but produced an order dated 29-11-1989 which refers only to the representation dated 27-7-1989. Counsel for the applicants has not enclosed copies of earlier representations and sought time to produce the same. Since seven Judges Bench of the Supreme Court has held in the case of S.S.Rathore Vs. State of M.P. 1989 (2) ATR 335 that repeated representations cannot be taken into account for fixing the limitation, we are of the view that the matter is barred by limitation and we have no jurisdiction to entertain the same. Hence these applications are rejected at the admission stage.

(N.R.Chandran)
Judicial Member

(M.M.Singh)
Administrative Member

16-7-1990.