

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO. 279/91
T.A.NO.:

DATE OF DECISION 24.8.98.

Prabhulal Barot

Petitioner

Mr.D.P.Padhy

Advocate for the Petitioner [s]

Versus

Union of India & Anr.

Respondent

Mr.J.J.Yajnik

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V.Radhakrishnan : Member (A)

The Hon'ble Mr. Laxman Jha : Member (J)

JUDGMENT

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

Prabhulal Barot
Barot Wado, Nava Dela
VIJAPUR 382 870.

.... Applicant.

(Advocate: Mr.D.P.Padhye)

VERSUS

The Union of India, through:
Divisional Railway Manager
Ajmer Division,
Western Railway,
AJMER 305 001.

.... Respondents.

(Advocate:Mr.J.J.Yajnik)

O R A L O R D E R

Date:24.8.1998.

Q/279/91

Per: Honible Shri V.Radhakrishnan : Member (A)

We have gone through the written arguments submitted by Mr.Padhye. Mr.Yajnik is not present.

The applicant in this case was recruited originally in grain shop deptt. Western Railway on 1.10.1947. Subsequently he was selected for the post of traffic clerk. ~~and~~ Again was sent back to the grain-shop deptt. and reverted to parent post on 22.6.1953. The applicant alleges that from 1.10.1947 to 1957 his seniority was counted from 1.10.1947. But in Nove.1957 his seniority was revised and shown as 22.6.1953. He has been making different representations without any success. Ultimately he has approached this Tribunal asking for the following reliefs.

In view of the facts mentioned in the above Para:4 the applicant prays for the following reliefs. The proforma fixation be granted from 22.2.1954, the date on which his junior Shri Khameshra is given this promotion with all consequential benefits.

The applicant's counsel has given written arguments and has claimed that the applicant should be given proforma fixation from 22.2.1954 when his junior was given fixation on proforma basis. The respondents have taken preliminary objection that the application is not maintainable as it is hit by limitation as per the Administrative Tribunals Act.

The contentions taken by the respondents deserves acceptance as per section:21 of the Administrative Tribunal Act. i.e. " A Tribunal shall not admit an application notwithstanding anything contained in sub section where the grievance in respect of which an application had arisen by reason of any order made ~~xx~~ is made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates.

As the cause of action in this application relates to 1954, which is clearly covered by above mentioned clause and hit by limitation, the O.A. is dismissed on the ground of limitation. No costs.

LSha
(Laxman Jha)

Member (J)

VRK
(V.Radhakrishnan)

Member (A)