

Promotion

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 380 OF 1991
~~R.A. No.~~

DATE OF DECISION 20-11-1991

Shri Krishnakant Sahmukhlal Shah Petitioner

Mr.V.R.Rana Advocate for the Petitioner(s)

Versus

Union of India and Ors. Respondent

Mr.R.M.Vin Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt : Judicial Member

The Hon'ble Mr. S.Gurusankaran : Administrative 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 ?

Shri Krishnakant Sanmukhlal Shah,
A/3/31, Municipal Tenament,
Gotlawadi,
Surat - 395 004.

...Applicant.

(Advocate : Mr.V.R.Rana)

Versus

Union of India,

1. General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. Divisional Railway Manager,
Western Railway,
Bombay Central,
Opp. Bombay Central Station, (East),
Bombay - 400 007.

...Respondents.

(Advocate : Mr.R.M.Vin)

O.A. NO. 380 OF 1991

CORAM : Hon'ble Mr.R.C.Bhatt : Judicial Member
Hon'ble Mr.S.Gurusankaran : Administrative Member

ORAL ORDER

Dated: 20th Nov.1991.

Per : Hon'ble Mr.S.Gurusankaran : Administrative Member

Mr.V.R.Rana, for the applicant and Mr.R.M.Vin,
learned advocate for the respondents present. Heard
Mr.V.R.Rana, learned advocate for the applicant.

It was pointed out to him that he has only asked for the
main relief of being given promotion to the post of
Chief Health Inspector, in the scale of Rs.2000-3200 (R),
with effect from 1.2.1989 and has not asked for striking
down and setting aside the orders of the ^{respondent} ~~applicant~~ vide
office order/letter, No. E/MD/839/4/1, 76/90, dated
6/7/1990, referred to in Annexure-A/9. In view of this,
since ^{stated} ~~it~~ has already been ~~admitted~~ that he is not been
fit for the promotion, we are not in a position to admit
the application, and we ^{cannot} ~~cannot~~ give direction to the
respondents to consider the case, ^{of the applicant} for promotion w.e.f.1.2.1989,

unless the office orders are set aside. It was also pointed out to the counsel for the applicant that since the promotion of the junior took place as early in 1989, this application challenging the same is hopelessly ^{time} barred. Even his earlier representations have been replied to, on 6.7.1990, and even if that date is considered this application is time barred.

2. The counsel for the applicant stated that he has made repeated representations to the higher authorities but no reply received. It ~~was~~ ^{is} already ~~stated~~ ^{well settled} that the repeated representations to the Head of the Department or other ~~departments~~ ^{persons do not enter the period of limitation, when they are not statutory.} are of no use. The applicant has also not filed any application for condonation of delay ^{showing} to the extent/reasons for not filing the application within a period of the limitation.

3. In view of the above the application is ~~is~~ rejected as time barred by limitation.

S. Gurupankaran
20/11/91
(S. Gurupankaran)
Member (A)


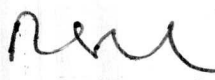
R.C. Bhatt
(R.C. Bhatt)
Member (J)

AIT

M.A.ST No. 557/91

in

R.A./50/91

Date	Office Report	O R D E R
23.3.1992		<p>None present. This M.A. is filed under rule 21 of Central Administrative Act (procedure) Rules for Condonation of delay in filing review application. Having perused the record, we find that the review application has already been dismissed by way of circulation in terms of Rule 17 (3) of C.A.T. (procedure) Rules 1987 on 3rd Jan. 1991. Hence there is no question of conditioning ^Mdelay in ^Mthe application, for condonation of delay. ^M M.A. is disposed of.</p> <p> (R. Venkatesan) Member (A)</p> <p> (R.C. Bhatt) Member (J)</p> <p>*Kaushik</p>

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the application, and we ^{cannot} ~~cannot~~ give direction to the
respondents to consider the case for promotion w.e.f.1.2.1989,
of the applicant

...3..

TRUE COPY

V.R. Rana
Advocate

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2. The counsel for the applicant stated that he has made repeated representations to the higher authorities

but no reply received. It ^{is} ~~was~~ already ^{not asked for} ~~stated~~ that the

repeated representations to the Head of the Department ^{reasons do not enter the period of limitation, when they are not statutory.} or other departments are of no use. The applicant has

also not filed any application for condonation of delay ^{showing}

the extent/reasons for not filing the application within a period of the limitation.

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Sd/-

Sd/-

(S.Gurusankaran)
Member (A)

(R.C.Bhatt)
Member (J)

AIT

Prepared by

R. Bhatt
26/11/91

Checked by

K. G. G. G.
27/11

TRUE COPY

R. Bhatt
Secretary

Central Ad. *...*
...

Central Administrative Tribunal
Ahmedabad Bench
Inward No. 2818
Date 09.01.92



REGISTERED POST/AD

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

2nd FLOOR,
BDA COMMERCIAL COMPLEX,
INDIRANAGAR,
BANGALORE-560 038.

F.No 5/91-Jud1.II

Dated 27th December, 1991

To

The Deputy Registrar(J),
Central Administrative Tribunal,
Ahmedabad Bench, BD Patel House,
Navjivan Post,
AHMEDABAD - 380 014

Subject : RA 50/91 IN CA 380/91

(SHRI KS SHAH VERSUS UOI AND ORS)

Sir,

I am directed to refer to your letter No
CAT/Ahd/Misc/3/91/1712 dated 19-12-1991 on the above
subject and to say that the RA 50/91 along with CA 380/91
said to have been enclosed in original are not enclosed
with the letter cited above. It is requested that the
files may please be forwarded to this Registry for
submission to Hon'ble Shri S.Gurusankaran, Member(A).

Yours faithfully,

(N.RAMAMURTHY)
SECTION OFFICER(J-II)

Shri Chokshi
Letter with original file
is already sent.
JR

5/13/92

S.O(S) For information pl.

Judgement pronounced on dt.
03/01/92 by Hon'ble members
Mr. R.C. Shah and Hon'ble Mr.
Gurusankaran. *731/92*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH : AHMEDABAD
DATED THIS THE THIRD DAY OF JANUARY, 1992.

REVIEW APPLICATION NO.50/1991

IN

O.A. NO. 380/1991

Krishnakant Sanmukhlal Shah Applicant

V/s.

Union of India & Ors. Respondents

This application having come up for
Orders by Circulation, Hon'ble Shri S. Gurusankaran,
Member (A), made the following:

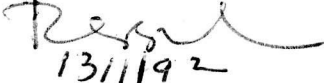
O R D E R

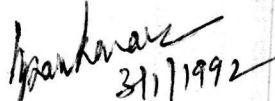
I have gone through the Review Application.
The Review Applicant was the original applicant in
O.A. No.380/1991, which was rejected at the admission
stage itself as barred by limitation by order dated
20.11.1991. The review application does not bring out
any error in the judgement apparent in the face of the
records produced or any new material which the applicant
could not produce after due diligence. In fact, in the
original application, the review applicant had not made
any specific plea stating that he had not received
the letter dated 6.7.1990 under which he was intimated
that he was/ ^{not} considered suitable for promotion by the
competent authority as indicated in Annexure-A9. He had
also not prayed for the relief of striking down and
setting aside the order dated 6.7.1990 declaring him
as not suitable for promotion. In the review application

the applicant has only tried to reargue the case of limitation and has also prayed for condoning the delay in filing the original application.

2. In view of the above, I do not find any merit in the Review Application and accordingly the Review Application is dismissed by way of circulation in terms of Rule 17(3) of the C.A.T. (Procedure) Rules, 1987.

I agree with my learned brother.


13/1/92
Hon'ble Shri R.C. Bhatt
Member(J)


31/1/92
(S. GURUSANKARAN)
MEMBER(A)