

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

No

P2000/01/07

O.A. No/ 83/93

ExxNo. 111

MA/80/93

DATE OF DECISION 24-3-1993

Hiralal M.Chauhan

Petitioner

Mr.M.S.Pandya

Advocate for the Petitioner(s)

Versus

Union of India & others

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt

: Judicial Member

The Hon'ble Mr.V.Radhakrishnan

: Admn. 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?

Hiralal M.Chauhan, working as
Junior Draftsman, JIG & Tools, Design Office,
Loco Workshop, Western Railway, Dahad,
residing at Block no.819/D, Khadda Colony,
Freeland ganj, Dahad (Gujarat)

....applicant

(Advocate : Mr.M.S.Pandya)

versus

Union of India, New Delhi,
Owning & Representing :
Western Railway, through

i. The General Manager,
Western Railway,
Churchgate,
Bombay.

ii. The Dy.Chief Mechanical Engineer,
(re-designated as Chief Works Manager,
JIG (J & T), Design office, Loco workshop
Western ~~and Tools~~ railway,
Dahad

....respondents

O R A L O R D E R

O.A./83/93

Date: 24-3-93.

Per : Hon'ble Mr.R.C.Bhatt,
Judicial Member

Shri M.S.Pandya, learned advocate for
~~the~~ the applicant.

2 This application is filed by the

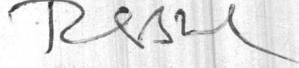
applicant seeking the relief that he was due for promotion on completion of 5 years service from 23-3-1979 and at least from 1st July 1986 as Junior Draftsman and that he may be posted on the said post and be promoted on 1st July, 1986 and the seniority he fixed. The applicant has filed M.A./80/93 for condonation of delay in filing this application. We have perused the entire application for condonation of delay and we do not find any sufficient cause to condone the delay. The applicants' first ~~xi~~ grievance in the application is that after the completion of 5 years service, he was entitled to be promoted from 23-3-1979. He ought to have filed representation for his promotion and if ~~x~~ he was not given favourable reply, he ought to have filed suit against the respondents. The cause of action if has arisen 3 years prior to coming into force of the Administrative Tribunal Act, 1985 this Tribunal has no jurisdiction to entertain such application. Moreover, even if the grievance of the applicant for seniority and promotion again arose on 1st July, 1986, he ought to have taken steps ^{within} ~~then~~ one year thereafter. But till February, 1993 no legal steps are taken and no sufficient cause is established

to condone the delay. Hence, the application is liable to be dismissed as barred by delay and latches.

2. Hence, M.A./80/93 is dismissed and hence O.A./83/93 does not survive and is ~~xxxx~~ also dismissed.


(V. RADHAKRISHNAN)

Admn. Member


(R.C. BHATT)

Judicial Member

*SS

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(V.RADHAKRISHNAN)
Admn.Member

(R.C.BHATT)
Judicial Member

*SS

CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI

Application No. OA/83/93.

of 19

Transfer Application No.

Old Writ. Pet. No.

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record
Room (Decided)

Dated: 07/04/93.

Countersigned.

APR 20 1993
Section Officer/Court Officer.

R. S. Christian
Signature of the Dealing
Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE CA/83/93. OF #9

NAMES OF THE PARTIES H. M. Chauhan

VERSUS

U. of I. 802

PART A B & C