



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 510 of 1991

Date of Decision: 23.9.1993

R. Latchanna

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? *NO*


MEMBER (ADMINISTRATIVE)

23 SEP 93


VICE-CHAIRMAN

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For the applicant:

M/s.R.V.Ramana
P.K.Nayak,
Advocates

For the respondents:

Mr.R.C.Rath
Standing Counsel
(Rly.Administration)

C O R A M:

THE HONOURABLE MR. K.P. ACHARYA, VICE - CHAIRMAN
AND

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to direct the opposite parties to treat the petitioner as if he had been promoted to the post of Senior Clerk since 1972 or 1975; and the annual increments from such date till 14.12.1977 be given to the petitioner.

2. Shortly stated the case of the petitioner is that

he entered into railway service in March, 1956 as a Khalassi. The petitioner was promoted to the post of Junior Clerk and ultimately retired as Office Superintendent Grade-II with effect from 31.8.1991. In the year, 1971, a post of Junior Clerk was upgraded as contained in Annexure-2 dated 6.7.1971. The petitioner claims promotion to the post of Senior Clerk with effect from the date of publication of Annexure-2.

3. In their counter the opposite parties maintain that the case is not only barred by limitation but long-standing settled position should not be disturbed at this late stage. That apart, the opposite parties contest the claim of the petitioner on many other factual aspects that the petitioner is not eligible for promotion and/or his prayer should not be allowed.

4. We have heard Mr. P.K. Nayak, learned counsel for the petitioner and Mr. R.C. Ratk, learned Standing Counsel appearing for the Railway Administration. We do not feel inclined to go into the questions of fact as they are redundant in view of the fact that the circular in question relates to the year 1971 and claim of the petitioner relates to the year 1972. According to the petitioner, cause of action has arisen in ^{his} favour in the year 1972. Undisputed position of law is that the Tribunal cannot take cognizance of a cause of action said to have accrued in favour of a particular party prior to 1.11.1982. There are plethora of judicial pronouncements on this point by the Principal Bench and almost all the Benches of the Tribunal in whole



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of India. This cannot be disputed to be the settled position of law. Therefore, we cannot entertain the grievance of the petitioner which relates to the period much prior to 1.11.1982. In view of the facts and circumstances stated above, we find no merit in this case which stands dismissed leaving the parties to bear their own costs.


MEMBER (ADMINISTRATIVE)
23 SEP 93


23.9.93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 23.9.1993/ B.K. Sahoo

