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Central Administrative Tribunal, Circuit Bench,

Lucknow.

Registration (O.A. No; 293 of 1990)

All India RMS & MMS Employees Union,
and another ... Petitioners

Vs.

Union of India & others ... Opp. Parties

Hon'ble Mr. Justice K. Nath, VC,

Hon'ble Mr. M.M. Singh, AM

JUDGMENT

(Delivered by Hon'ble Mr. Justice K. Nath, VC)

We have heard the learned counsel for the applicants. This application has been filed by two Unions for a direction to the respondents to promote the 'petitioners' in the L.S.G. Supervisory cadre w.e.f. 1981 and also to quash the promotion order of 14 persons allegedly junior to the petitioners by order dated 11-10-1983 (Annexure-1).

2. Two questions arise ; firstly the application was filed on 30-8-1990, whereas the promotion is claimed w.e.f. 1981 and quashing of promotion done in 1983. On the face of it, the claim in this regard is barred by time. Learned counsel for the applicants refers to Annexure-11 which are Minutes of a discussion between the petitioners and the Regional Director of Postal Services, Lucknow. The Minutes indicate that on 10-9-1988, an informal discussion took place with the applicants in which item no. 1/ concerns the promotion scheme in the RMS 'O' Division, Lucknow, was considered and it was complained that correct ascertainment of the

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number of vacancies and promotion thereon as also the determination of seniority had not been done. It is mentioned that in June 1988 a joint representation had been made on which comments of the Senior Superintendent of Post Offices, RMS 'O' Region, Lucknow, had been called for. It was decided that action will be taken to obtain the comments early whereupon proper decision will be taken without unnecessary delay. The learned counsel for the applicants says that these Minutes save the limitation for filing the petition. We are unable to agree. Firstly Annexure-11 expressly mentions that the discussions were informal. In other words, it has no statutory overtones. It is well settled that a representation to claim limitation under Section 21 of the Administrative Tribunals Act, 1985, read with Section 20 of the said Act should a statutory representation.

3. The learned counsel for the applicants then urged that the meeting between the Post Master General/ respondent no. 3 and the representatives of the petitioners was held and the petitioners' promotions were orally rejected on 12-10-1989. We find that the proceedings, if any, of the socalled rejection are no better than the proceedings referred to in Annexure-11 discussed above. The cause of action had arisen in 1981 and 1983. The above facts and circumstances do not save the limitation and petition is barred by time.

4. Secondly, the application does not satisfy the requirements of Rule 4(5)(b) of the Central Administrative Tribunal (Procedure) Rules, 1987. That Rule requires that permission be granted to an association representing the persons desirous of joining in a single application, "provided, however, that the application shall disclose the class/grade/categories of persons on whose behalf

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it has been filed, provided that atleast one affected person joins such application".

5. The petitioners are only two Unions. They have made application for permission to file this application jointly. They have also given a list of employees, who are said to be affected in the reliefs sought; but no affected person has joined the petition as such. It is necessary for the satisfaction of the proviso extracted above that atleast one of the person, who is affected joins ^{as} is arrayed as one of the applicant in the petition itself.

5. In view of the above, this application is dismissed without any order as to costs.

M. M. Singh

(A.M.)

J.

(V.C.)

Dated : Lucknow

September 12, 1990

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