

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.16/1985.

Baldev Raj Bhaglal,
F.3/4(2nd Floor),
Sector 4 - CBD Belapur,
New Bombay - 400 614.

... Applicant.

V/s.

1. The Agricultural Marketing Adviser
to the Government of India,
Directorate of Marketing & Inspection(H.O.)
C.G.O. Building, N.H.4,
Faridabad(Haryana).
2. The Joint Agricultural Marketing Adviser,
to the Government of India,
Directorate of Marketing & Inspection
(Br.H.O.), New Sectt. Building,
Nagpur.
3. The Secretary to Government of India,
Ministry of Agriculture & Rural Devt.,
(Deptt. of Rural Devt.),
Krishi Bhavan, New Delhi - 110 011.
4. The Secretary to the Govt. of India,
Ministry of Personnel & Training,
Administrative Reforms and Public
Grievances and Pensions,
(Deptt. of Personnel & Training),
New Delhi.

... Respondents.

Coram: Vice-Chairman, B.C. Mathur,
Member(J), M.B. Mujumdar.

JUDGMENT:

(Per Vice-Chairman, B.C. Mathur) Dated: 8-12-1986.

This is an application under Section 19 of the Central Administrative Tribunals Act. Shri Baldev Raj Bhaglal has represented against orders dated 29th December, 1958 passed by Directorate of Marketing & Inspection, Nagpur, and the last order on his representation is passed on 30th December, 1959. His last representation dated 29th January, 1960 on similar grounds was not replied to by the Ministry of Home Affairs.

...2/-

His case has been that he was appointed as a L.D.C. in May, 1950 in the Directorate of Marketing and Inspection, New Delhi. Being a graduate he was appointed as U.D.C. on 4-3-1952. The Government of India introduced CSC Scheme for U.D.C. and L.D.C. in April, 1954 and although he was holding the post of U.D.C. since 4-3-1952 i.e. prior to the existence of CSC scheme, he was not appointed or confirmed in the U.D.C. cadre as according to rules he had not completed 3 years of total service with at least one year service as U.D.C. His case is also that he was not considered for promotion because he was not appointed as Quasi Permanent although he was eligible for being made quasi permanent as U.D.C. in the year 1955. The main plea in this application is that L.D.Cs. who had completed 3 years of service were considered under the CSC service on initial ^{constitution of service} estimation and they became senior to him. He made several representation but to no avail. Since all his representations are prior to 1960 this Court cannot at his stage look into the grievances.


It has been clearly laid down in Section 21 of the Administrative Tribunals Act, 1985 that this Tribunal has no power to entertain a grievance arising prior to 1-11-1982. This has also been held by the Central Administrative Tribunal, Principal Bench in the case of V.K.Mehra V. The Secretary, Ministry of Information and Broadcasting reported in ATR 1986 CAT 203. In this case the Tribunal had held that in such cases it is not a question of condoning the delay in filing the petition, but it is a question of the Tribunal having no jurisdiction to entertain a petition in respect of grievance arising prior to 1-11-1982. The limited power that is vested to condone the delay in filing the application within the period prescribed

is under Sub-section 2, provided the grievance is in respect of an order made within 3 years of the constitution of the Tribunal. The Tribunal has jurisdiction under sub section (2) of section 21 to entertain an application in respect of "any order" made between 1-11-1982 and 1-11-1985. As the cause of action in the present application ^{has} ~~is~~ arisen much before ₁₉₈₂ 1-11-1982, this Tribunal has no power or authority to entertain the same.

The learned counsel for the respondent also cited 2 cases in favour of rejecting the application on the point of limitation. The first case is 1971 LAB-I.C.828, Ngangbam Tombi Singh V/s. The Chief Commissioner of Manipur & Ors. The second case is 1976 LAB IC 194 Moreshwar Anandrao Lakhe V/s. The Divisional Superintendent of South Eastern Railway, Nagpur Division & Ors. Both the cases show that where there has been inordinate delay in filing the petition normally it should not be entertained even though there may be some merit in it. In other words even if the applicant had filed ^{or} Writ Petition in the High Court it would have been dismissed on the ground of latched and inordinate delay.

In these circumstances the application is dismissed. There will be no orders as to cost.


(B.C. MATHUR)
VICE-CHAIRMAN.


(M.B. MUZUMDAR)
MEMBER(J).