

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

Original Application No. 770/87

Mr. Gurudas Chakravarty
Junior Scientific Officer,
Quality Assurance Establishment
(GS), DGQA Complex (DGI Complex),
Vikhroli, Bombay 400 083.

Applicant

V/S.

The Secretary,
Ministry of Defence Production,
Ministry of Defence,
Government of India,
New Delhi-110 011.
And five others.

Respondents

CORAM : Hon'ble Member (A) A. Johri
Hon'ble Member (J) M.B. Mujumdar

Appearance :

Applicant in person

ORAL JUDGMENT

Dated: 16.2.1988

(PER: M.B. Mujumdar, Member(J))

Heard the applicant Shri G. Chakravarty in person.

2. The applicant was previously working as Senior Scientific Assistant. A panel for promotion for the higher post of Junior Scientific Officer was prepared on 31.1.1979. That panel was prepared on the recommendations of the Departmental Promotion Committee in its meeting held in December, 1978. In that panel the name of the applicant was at Sl.No. 80. All the 79 persons above him were promoted and posted at the same place where they were working. The applicant was working at Madras and by an order dated 24th May, 1980 he was transferred and posted at Bombay as Junior Scientific Officer. He

challenged that transfer order by filing Writ Petition No.4186/81 in the High Court of Judicature at Madras. The High Court dismissed that Writ Petition in limine. The applicant had preferred Latent Patent Appeal against that order, but that was also dismissed on merits by a Division Bench of the High Court of Madras on 23.11.1984 after hearing both the sides. Thereafter, the applicant joined his posting at Bombay on 23.11.1984.

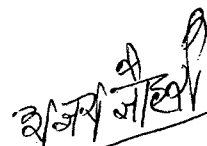
3. On 4.12.1987 the applicant has filed the present application. In para 9 he has requested that he should be promoted as Junior Scientific Officer with retrospective effect from 31.1.1979 on the grounds given in clause a, b and c of that paragraph. He has also requested that he should be given all service benefits as Junior Scientific Officer with retrospective effect from 31.1.1979. Lastly, he has requested that in case he wins the case he should be deemed to be on official duty on the dates of hearing in Madras High Court on the ground that he was pleading his case personally.

4. The applicant urged before us that he has not filed this application regarding his transfer from Madras to Bombay. According to him he should have been promoted with retrospective effect from 31.1.1979. As already pointed he had filed a Writ Petition in the High Court of Judicature at Madras in 1981 and after it was dismissed he had filed Latent Patent Appeal against that order which was also dismissed on 18.10.1984. The applicant stated before us that the Madras High Court had granted a stay against his transfer from Madras to Bombay. After the Latent Patent Appeal was dismissed he joined as Junior Scientific Officer in .. 3

Bombay on 23.11.1984. In view of these facts we do not think he is entitled to promotion with retrospective effect from 31.1.1979. It is not his grievance that his seniority in the cadre of Junior Scientific Officer is in any way disturbed because he has joined late in Bombay.

5. Moreover, he wants the main relief with retrospective effect from 31.1.1979. But he has filed the present application on 4.12.1987. Hence we feel that the application is hopelessly time barred.

6. In result we reject the application summarily under section 19 (3) of the Administrative Tribunal Act, 1985.



(A. Johri)

Member (A)



(M.B. Mujumdar)

Member (J)