

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No.66/87

Shri G.V.Salunke,
District Savings Officer,
(National Savings),
National Savings Organisation,
Department of Govt.of India,
Thane - Bombay Region.

.. Applicant

Vs

1. Union of India through
The Secretary,
Ministry of Finance,
Department of Economic Affairs,
New Delhi.

2. National Savings Commissioner,
Seminary Hills,
Nagpur.

.. Respondents.

Coram: Hon'ble Member(A) L.H.A.Rego.

Hon'ble Member (J) M.B.Mujumdar.

Appearance:

Mr.M.C.Shah, Advocate for the
applicant.

ORAL JUDGEMENT
¶ Per M.B.Mujumdar, Member(J)¶

Dated: 2.6.1987.

The applicant is serving in the National Savings Organisation since 1957. At the relevant time, he was serving as District Savings Officer at Thane. Some adverse remarks were passed against him in his Confidential Reports during 1977-78 and they were conveyed to him by a letter dated 20.7.78 (Please see page at 10). Probably on the basis of these adverse remarks and his performance during the year, it was ordered that he should be held up at the Efficiency Bar at the stage of Rs.500/- in the Pay Scale of Rs.425-700 for a period of one year with effect from 1.6.78. That order was passed by the Regional Director, National Savings Organisation, Bombay on 24.10.1978. That is the impugned order in this case.

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The applicant made a number of representations against that order. The first representation was made on 10.11.78, second on 27.4.79, 3rd on 7.12.81 and the last on 19.2.84. All these representations were made to the same authorities viz. The Regional National Savings Commissioner. It appears that his first representation was rejected on 20.1.79 and the 2nd on 2.12.80. His 3rd representation was also rejected but the date is not on record. The last representation was rejected on 7.2.86.

We may point out that at one stage, the applicant was informed that though his representations were rejected, his case would be reviewed in April/May 1979 when the C.Rs of 1978-79 were available. Accordingly, he was allowed to cross his E.B. from 1978 onwards.

We have heard Mr. Shah, learned advocate for the applicant mainly on the point of limitation. The Principal Bench of this Tribunal as well as different Benches have taken the consistent view that this Tribunal has no jurisdiction to entertain an application in respect of a grievance which had arisen more than three years prior to the constitution of this Tribunal (See V.K. Mehra Vs Secretary, A.T.R. 1986, C.A.T 203 decided by the Principal Bench of this Tribunal.) As the impugned order in this case was passed on 24.10.78, that is much before the constitution of this Tribunal, this Tribunal cannot entertain the present application.

The applicant, has, no doubt, made a number of representations to the authorities, but all the representations were rejected. As already pointed out, his first representation was rejected in 1979 itself. We are of the view that an employee who makes repeated representations and that too to the same authority after receiving a specific reply beforehand, cannot legally ^{contend} say that the period of limitation should

start from the date on which his last representation was rejected.

In the present case, the applicant's first representation was rejected in 1979 and he should have approached to High Court or some other appropriate Court within a reasonable time thereafter. The applicant has clearly failed to do so.

We are further of the view that not allowing an employee to cross his Efficiency Bar is not a penalty. After a period of one year, the applicant was allowed to cross his E.B. Hence, on this ground also, the applicant has no case which could be adjudicated upon by this Tribunal.

We, therefore, reject the application summarily under Section 19(3) of the A.T.Act, 1985.


(L.H.A. REGO) 26-87
Member(A)


(M.B. MUJUMDAR)
Member(J)