

(2)

BEFORE THE CENTRAL ADMINISTRATIVE TIRBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

O.A. NO. 739/87

1. Moti Chandumal Punwani
R/o. Kachipura
Ramdaspeth
Nagpur

2. Govind Vishnu Sohoni
R/o. Laxminagar
Nagpur

Applicants

V/s.

1. Secretary
Ministry of Communication
New Delhi

2. Director General
Department of Telecommunications
New Delhi

3. General Manager
Telecommunications
Maharashtra Circle
Bombay

Respondents

Coram : Hon'ble Member(A) S.P. Mukerji
Hon'ble Member(J) M.B. Mujumdar

Appearance:

Shri S M Ghare
Advocate
for the applicants

TRIBUNAL'S ORDER

DATED: 6.1.1988

Heard Mr. S M Ghare, Learned Advocate for the applicants. The applicants have made four prayers in para 9 of their application. The first prayer is that they should be deemed to have been promoted to the post of LSG with effect from 9.5.1977 when their juniors were promoted by superseding the applicants, by letter dated 9.5.1977. The second prayer is for fixing their pay and allowances on the basis that they have been deemed to have been promoted from 9.5.1977. The third prayer is for fixing their seniority on the basis of their dates of entry in the department viz., 14.1.1953 and 28.1.1953, respectively. The fourth prayer is consequential on the third prayer.

2. Regarding the first prayer we may point out that the main grievance of the applicant is mentioned in para 6 of the application. The contents of that para show that the applicants were given the promotion as LSG on 3.9.1976 but they did not accept these promotions as that would have necessitated their transfer from Nagpur to some other places. It is further stated that the DPC had met in 1977 but that DPC did not consider the cases of the applicants for promotion. They considered the cases of other LDCs and they were in due course promoted. Some of them were juniors to the applicants. Hence it is the grievance of the applicants that as per the policy laid down by letter dated 18.11.1967, even their cases should have been considered by the DPC in 1977 and their non-consideration has caused injustice to them because their juniors were promoted. We, however, find that this grievance cannot be considered by us because it is barred by limitation.

3. Mr. Ghare pointed out that the applicants have submitted two representations - the first was on 6.3.1981 and the second was on 3.1.1985. The first representation does not speak about non-consideration of the applicants in the DPC held in 1977. In the second representation the applicants did complain about their non-consideration by the DPC in 1977. Though both the representations are said to be not replied to, we find that the applicant did not make a grievance of the injustice caused in 1977 till 1985. Hence we find that the prayers in Clause (a) and (b) of para 9 of the petition are time barred and hence liable to be rejected summarily.

4. However, the remaining prayers are regarding the seniority and as the cause is a continuing one we allow the application regarding these prayers.

5. In result we pass the following order:

ORDER

- i) The application is summarily rejected under section 19(3) of the Administrative Tribunals Act, 1985 so far as it relates to the prayer

in clauses (a) and (b) of para 9 of the application is concerned. However, the application is admitted as regards the remaining clauses, viz., (c) and (d) of para 9 of the application.

- ii) Issue notice to the respondents to file their reply on or before 29.2.1988 with a copy to the applicants or their advocate.
- iii) Keep the case before the Registrar for reply and direction on 29.2.1988.

(M B Mujumdar)
Member (J)

(S P Mukerji)
Member (A)

Notice issued to
all the respondents on
28-1-88.

Open
28/1/88.