

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.No:180/87 & 181/87

Shri Devidas Murlidhar Mishal,
Retired Chief Clerk,
IIInd Floor,
Above Dr.Bhadrkamkar Hospital,
Kharkar Bungalow,
THANE - 400 601.

... Applicant in
O.A.180/87.

Shri Ramchandra Shridhar Naik,
Retired Head Clerk,
Pandit's Wada,
Tilak Chowk,
Kalyan,
Dist.Thane.

... Applicant in
O.A.181/87

v/s.

1. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi - 110 001.
2. The General Manager,
Central Railway,
Bombay V.T. 400 001.
3. The Divisional Railway Manager,
Central Railway,
Bombay V.T. 400 001.

... Respondents in
all the above
cases.

Coram: Hon'ble Member(A) J.G.Rajadhyaksha
Hon'ble Member(J) M.B.Mujumdar

Appearance:

1. Mr.C.P.Deogirikar
Advocate for
applicants.

ORAL JUDGMENT

Date:24-6-1987

(Per M.B.Mujumdar, Member (J))

Heard Mr.Deogirikar, learned Advocate for the applicants in both the cases. Shri D.M.Mishal, applicant in O.A.180/87 was recruited as a Clerk in 1942 and Shri R.S.Naik, the applicant in O.A.181/87 was recruited as a Clerk in 1938. Mishal retired as Chief Clerk on 30th of September, 1980 while Naik retired as Head Clerk on 30th of April, 1977. They filed the present applications requesting that their seniority should be reckoned from

1946 when their juniors were promoted and they should be given all the consequential benefits like promotion, increase in salary, etc.

We ~~could~~ find from the record that the applicants were making representations regarding their grievance from time to time. The representations were rejected as long back as in 1970 and 1975. The matter was dealt ^{with} at different levels on their representations and finally the representations ^{were} rejected in 1986. The 1986 letter which is attached as Annexure-I to the application shows how the matter was dealt ^{with} from time to time. It is mentioned in that letter that the applicants were aware of the seniority assigned to them from the seniority list published from time to time. But they ~~had~~ not preferred any appeals. Further, their cases were discussed at the Head Quarter level in 1974 and after ascertaining the factual position the Union representatives treated the case as closed. The applicants had made further representations to the Ministry of Railways and detailed remarks with factual position were submitted to the Ministry. That is why the applicants were informed that their cases were correctly dealt with and no injustice ~~was~~ done to them.

We have heard Mr. Deogirikar on facts as well as on the question of limitation. As already pointed out the applicants want that their seniority should be reckoned with effect from 1946. They have retired in 1977 and 1980. We, therefore, feel that the applications cannot be entertained by this Tribunal in view of the provision of Section 21 of the Administrative Tribunals Act, 1985. The applicants have produced a copy of the judgment

in Arun Kumar v. South Eastern Railway reported in AIR 1985 SC 482. But the interpretation of Section 21 of the Administrative Tribunals Act was not before the Supreme Court at that time because the Act was not in existence at that time. We are bound by the provision of Section 21 of the Administrative Tribunals Act. Different Benches of this Tribunal have taken a consistent view that the Act does not vest any power or authority in the Tribunal to take cognizance of a grievance arising out of an order made prior to 1-11-1982. We have also taken the view that making representations to various authorities will not save an application from the clutches of the limitation. We, therefore, ~~see~~ *feel* that the applications are liable to be dismissed summarily.

Accordingly we dismiss both the applications summarily under Section 19(3) of the Administrative Tribunals Act, 1985.



(J.G. RAJADHYAKSHA)
Member (A)



(M.B. MULJONDAR)
Member (J)