

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY.

Original Application No. 32 of 1987.

Shri Haribhau Narayan Patle,
"B" Ajni,
Railway Quarter No. 258/RB/II/C,
Ajni, Nagpur Central Railway,
NAGPUR.

... Applicant.

V/S

1. The General Manager,
(Establishment),
Central Railway,
Bombay V.T.
2. The Divisional Railway Manager,
Central Railway,
NAGPUR.

... Respondents.

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

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

Appearance:

Shri S.V. Nand
Advocate for
the applicant.

ORAL JUDGEMENT:-

(per M.B. Mujumdar)

Date: 6.2.1987.

For showing how the application does not deserve to be admitted it is necessary to state some facts. On 7 July, 1952 the applicant was appointed as Pointsman. In November, 1953 he passed the test for the Trains Clerk. On 8.11.1955 he was promoted as Trains Clerk. On 23.9.1957 he was reverted as Pointsman. We are not concerned with the reasons for which he was reverted, but again on 5.8.1958 he was promoted as Trains Clerk. Since November 1966 he is working as a Guard.

2. The applicant has approached the Tribunal by filing this application on 2.1.1987 and his first prayer is that he should be given his legitimate promotion and seniority

.....2..

from 8.11.1955. In other words he prays that, that date should be taken into account for the purpose of his seniority and the period of his service in a junior capacity between 23.9.1957 i.e. the date on which he was reverted, ^{and} ~~till~~ 5.8.1958 i.e. the date on which he is again promoted should be ignored.

3. We may point out that the applicant had represented for treating the date of his first promotion for the purpose of his seniority but that was not accepted. It appears that even, thereafter he did make some representations but with no success. His final representation dated the 26th May, 1986 was also turned down on 25.6.86.

4. It is clear from the above facts that the application filed by the applicant is time barred. As already pointed out the main grievance of the applicant appears to be regarding his reversion by the order dated the 23rd May, 1957. According to him, ^{he} should not have been reverted then. If he would not have been reverted at that time he would not have had any grievance in his subsequent career.

5. Section 21 of the Administrative Tribunals Act, is interpreted in some judgments of the different Benches of the Tribunal. In V.K. Mehra V/S The Secretary, Ministry of Information & Broadcasting, AIR 1986(1) (CAT) 203 the Principal Bench of the Tribunal has held 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 and in such a case there is no question of condoning the delay in filing the petition but it is a question of the Tribunal having jurisdiction to entertain

a petition in respect of grievance arising prior to 1.11.1982. In other words it is held that the Tribunal will have no jurisdiction to entertain an application in respect of a grievance which had arisen more than 3 years prior to the constitution of the Tribunal. A similar view is taken in some other cases also. Even assuming that it is possible to have two opinions about the above view in the light of the Section 21(3) regarding condonation and delay of the above Act, we do not think that this is a fit case in which a delay of 28 years should be condoned. The Tribunal is not constituted for looking into the grievances irrespective of the question of limitation. If the applicant so wanted he could have approached the High Court or same appropriate court for redressal of his grievance immediately or within a reasonable time after 1957. We, therefore, feel that the application cannot be admitted by us. We reject the same summarily under Section 19(3) of the Administrative Tribunals Act, 1985.

(J. C. RAJADHYAKSHA)
MEMBER(A)

(M. B. MUJUMDAR)
MEMBER(J)