

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 NEW DELHI
 NEW BOMBAY BENCH

O.A. No. 813/88

198

XXXXXX

DATE OF DECISION 29-12-1988Ganpat Vishwanath Muley

Petitioner

Applicant in person

Advocate for the Petitioner(s)

Versus

Union of India and Ors.

Respondent

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.B. Mujumdar, Member (J)

The Hon'ble Mr. M.Y. Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? No *Yes*
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

O.A.813/88

NEW BOMBAY BENCH

Ganpat Vishwanath Muley,
Retired Deputy Presidency
Postmaster,
B-10/2, Sahar P & T Colony,
Bombay - 400 099.

.. Applicant

vs.

1. Union of India,
Through the
Postmaster General,
Maharashtra Circle,
Bombay. 400 001.
2. The Director General,
Department of Post,
Dak Bhavan,
Sansad Marg,
New Delhi - 110 001.
3. The Postmaster General,
Maharashtra Circle,
Bombay - 400 001.

.. Respondents

Coram: Hon'ble Member (J) Shri M.B. Mujumdar

Hon'ble Member (A) Shri M.Y. Priolkar

Appearance:

Applicant in
person.

ORAL JUDGMENT

Date: 29-12-1988

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

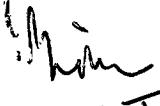
Heard the applicant in person. After
hearing the applicant and considering the facts we
are of the view that the application is hopelessly
time barred.

2. The applicant was appointed as a Clerk
in 1957. In February, 1965 he appeared for the
competitive examination for recruitment to the post
of Inspectors and Head Clerks. He was successful.
Three more persons, viz. S.B. Bengali, B.G. Sabnis and
P.V. Apte were also successful and all of them including
the applicant stood equal. Their seniority was
fixed on the basis of confirmation in the lower post.
It is the grievance of the applicant that the seniority

should have been fixed on the basis of their entry into service. It is obvious from these facts that grievance arose in 1965 itself.

3. The applicant did not make a representation till 1973. However, he did make a representation in 1973 (Annexure 'A'). He also continued making representations. By the letter dt. 25th September, 1981, copy of which was sent to the applicant on 16-10-1981, the applicant was informed that the Director General did not see any reason to interfere in the matter and hence the applicant's request for refixation of the seniority was rejected. In our opinion the applicant should have approached ^{the} some court within the reasonable period after that reply was received by him. Instead he continued making representations. We are of the view that such representations will not save the present application from the clutches of limitation. The applicant has already retired on 31-7-1988 as Deputy Presidency Postmaster, Bombay.

4. We, therefore, hold that the application is barred by limitation and hence reject the same summarily under Section 19(3) of the Administrative Tribunals Act, 1985.


(M.Y. PRIOLKAR)
Member (A)


(M.B. MUJUMDAR)
Member (J)