

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 328/88

XXXXXX Application No: XXXXXXXXX

DATE OF DECISION 23.11.1993

Shri D.C.Gangal Petitioner

Shri P.V.Deshpande Advocate for the Petitioners

Versus

Secretary, Rly. Board, N.Delhi & Ors. Respondent

Shri V.G.Rege Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

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

1. whether Reporters of local papers may be allowed to see the Judgement? No
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

(M.Y.PRIOLKAR)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

(6)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA. NO. 328/88

Shri Dhundiraj Chintaman Gangal ... Applicant
V/S.

Secretary Railway Board,
New Delhi & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Shri P.V.Deshpande
Advocate
for the Applicant

Shri V.G.Rege
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 23.11.1993

(PER: M.S.Deshpande, Vice Chairman)

The applicant challenges the seniority list which came to be published on 3.10.1963 in which he stood at Sr. No. 291. His grievance is that several of his juniors came to be promoted to higher post regardless of seniority which was based not ~~at~~^{on} length of service but on confirmation. The applicant made several representations. The letter dated 31.12.1984 addressed by the Joint Director Establishment (N) Railway Board to the General Manager, Central Railway, Bombay mentioned that the seniority of the applicant had been fixed by the Railway Board in accordance with the orders then extant and in view of this no change in the position can be called for and this order came to be communicated to the applicant by the letter dated 17.1.1985 (Annexure-25). The applicant thereafter moved the Labour Court which by its order dated 13.9.1985 in Application No. LCB-17 of 1985 held that the applicant had misconceived his remedy by approaching the Central Government

Labour Court No. I at Bombay and his remedy would have been one under Article 226 and not before the Labour Court. The contention of the applicant's learned counsel is that thereafter several representations were made either by the applicant or by the Union and the last one which was made by the Union on 7.11.1987 (Annexure-43) had not been replied to and so the present application which is filed on 28.4.1988 will be within time. There is also a passing reference in the application to condoning the delay in the interest of justice. No reasons have been given as to why the delay should be condoned and what were the reasons which were beyond the control of the applicant which led to belated filing of the application. The application should have been made under Section 21 of the Administrative Tribunals Act within the period of one year if not from the date of reply dated 17.1.1985 (Annexure-25) but atleast from the date of Labour Court's order dated 13.9.1985. The application is woefully beyond time and we find no reason for acceding to the applicant's request for condoning the delay. The application is, therefore, dismissed.


(M.Y. PRIOULKAR)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.