

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(13)

O.A. NO: 694/88 199
T.A. NO:

DATE OF DECISION 14.11.91

Shri D.D. Ranpise Petitioner

Applicant in person Advocate for the Petitioners

Versus

Union of India and 5 ors Respondent

Shri V.M. Bendre holding the brief of Shri P.M. Pradhan. Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. D.K. Agrawal, Member (J)

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

D.K. Agrawal

(D.K. AGRAWAL)
Member (J)

mbm*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 694/88

Shri D.D. Rangise
V/s.

... Applicant.

Union of India and 5 others. ... Respondents.

CORAM: Shri D.K. Agrawal, Member (J)
Shri M.M. Singh, Member (A)

Appearance:

Applicant in person

Mr. V.M. Bhandre holding the
brief of Mr. P.M. Pradhan for
the respondents.

JUDGMENT

Dated: 14.11.91

(Shri D.K. Agrawal, Member (J))

This application under section 19 of Administrative Tribunal's Act 1985, was filed on 19.9.1988 claiming the reliefs in respect of the orders of 1964 and 1965 with consequential benefits. The applicant entered in service as Lower Division Clerk on 16.12.47 and retired on reaching the age of superannuation in March 1988. His grievance was that he was entitled to cross Efficiency Bar with effect from 15.2.64 and he was allowed to cross the same with effect from 15.2.1972. The other grievance raised by him is that he was due to be promoted as Upper Division Clerk in the year 1965 but denied arbitrarily by the competent authority. Prayer in the application is that the above two grievances be adjudicated and he be granted consequential benefits.

On the date of hearing the applicant appeared in person and stated before us that written arguments submitted by him may be considered before passing the final order. We were therefore deprived of the assistance of the counsel. We have however perused the pleadings and gone through the records.

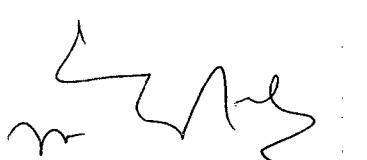
D.K. Agrawal

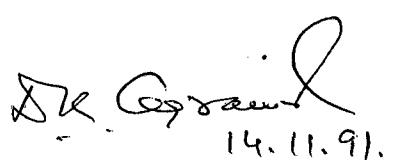
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(S)

This application was admitted on 17.10.88 subject to the question of limitation. The application for condonation of delay i.e. M.P. No. 714/89 is pending disposal. Therefore, notwithstanding the order dated 17.10.88 we are of the opinion that we have jurisdiction to decide the M.P. No. 714/89 in accordance with law. In the case of V.K. Mehra Vs. Union of India, ATR 1986 CAT 203, it has been clearly held that the Act does not vest any power or authority for the Tribunal to take "Cognizance" of grievance arising out of an order made prior to 1.11.82. In such a case there is no question of condonation of delay in filing the petition, but it is question of the Tribunal having jurisdiction to entertain the petition ^{in respect} ~~inspite~~ of grievances arising prior to 1.11.82. The limited power ~~is~~ vested ^{in the} ~~to~~ ^{of} condonation of delay in filing the application within the period prescribed is under section 21, provided the grievance is in respect of an order made within 3 years of the constitution of the Tribunal. Therefore this application which relates to grievance arising ~~out~~ in the year 1964 or 1965 is beyond the jurisdiction of the Tribunal. Consequently the M.P. No. 714/89 is liable to be rejected. We hold that we have no jurisdiction to adjudicate the grievance or grievances raised in this application.

The claim petition is dismissed with no order as to costs.


(M.M. SINGH)
MEMBER(A)


D.K. AGRAWAL
14.11.91.
(D.K. AGRAWAL)
MEMBER(J)