

(2)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 754/88
xRxxNx

198

DATE OF DECISION 22-11-1988

Desai Anant Gangaram

Petitioner

Applicant in person

Advocate for the Petitioner(s)

Versus

The Director General, ESI Corpn., Respondent

New Delhi.

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

(3)

O.A.754/88

Desai Anant Gangaram,
2/B-27, Vihar Darshan,
Opp. Swimming Pool,
Siddharth Nagar,
Goregaon(West),
Bombay - 400 062. .. Applicant

vs.

The Director General,
E.S.I.Corporation,
Panchdeep Bhavan,
Kotla Road,
New Delhi - 110 002. .. Respondent

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

Hon'ble Member(A)Shri P.S.Chaudhuri

Appearance:

Applicant in
person.

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

Date: 22-11-1988

Heard the applicant in person.

The applicant has retired on the A/N of 30th November, 1987 as Director of Employees State Insurance Corporation. He has filed the present application on 12-10-1988. According to him on 1-3-1982 ^{he} the applicant was working as Vigilance Officer at Bombay. At that time one of his juniors, Shri Harbhajan Singh, was officiating as Deputy Insurance Commissioner in the same grade as the applicant at New Delhi. Prior to this an officer from New Delhi viz. Shri O.N.Wali, who was at that time senior to the applicant had been posted at his own request and on reversion as Deputy Regional Director at Bombay in a scale lower than the applicant. On 1-3-1982 the applicant was reverted and posted vice Shri Wali and Shri Wali was posted as officiating Vigilance Officer.

2. The applicant represented against this reversion on 1-3-1982 and 6-3-1982. But these were turned down by a letter dtd. 30-3-1982. Applicant sent a fresh representation on 26-7-1984 for stepping up of his pay. This representation too was turned down on 1-1-1985. The applicant sent another representation claiming proforma promotion under the next below rule on 14-3-1986. This was turned down on 29-4-1986. The applicant made further representation on 7-5-1986 and 14-7-1987. The last representation was replied on 10-11-1987.

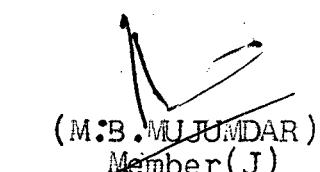
3. It is obvious from the above facts that the applicant's grievance relates to the period from 1-3-1982 to 29-12-1982 because on 29-12-1982 he was promoted on regular basis and sent to Patna as Regional Director.

4. The applicant had made first representation against his reversion on 1-3-1982 but it was rejected in April, 1982. In a number of decisions we have taken the view that if the application relates to a grievance which had occurred more than 3 years prior to the constitution of this Tribunal then this Tribunal will have no jurisdiction to entertain and decide that application. Sending repeated representations for redressal of the same grievance will not bring the case within limitation.

5. We, therefore, reject this application summarily under Section 19(3) of the Administrative Tribunals Act,

1985.


(P.S. CHAUDHURI)
Member (A)


(M.B. MUKUNDAR)
Member (J)