

(3)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT Sittings AT NAGPUR.

~~XXXXXX~~

O.A. No. 133 of 1988
~~XXXXXX~~

DATE OF DECISION 10.8.1988

Shri Mahendra Kumar Madaria Petitioner
& 6 Others

Shri Rajan P. Pillai Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Shri S.V. Natu Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. L.H.A. Rego, Member(A)

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

1. Whether Reporters of local papers may be allowed to see the Judgement? *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*

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUITE BENCH, NAGPUR

ORIGINAL APPLICATION NO.133/88

1. Mahendra Kumar Madaria
S/o Shri Ramachandra Madaria,
43 years, Service,
Forest Survey of India,
Central Zone, Bungalow No.1,
Seminary Hills, Nagpur-6.
2. Ram Prasad Sao,
S/o Shri Likhya Ram Sao,
50 years,
Occ: Service,
3. K.Rajgopal Rao
S/o Shri K.Mohan Rao,
40 years,
Occ: Service.
4. Prabhu Ram Singh,
S/o Late Ramsingh Yadav,
40 years,
Occ: Service.
5. Ravindra Kumar Mahobe,
S/o Shri Tukaram Mahobe,
age 41 years
6. Prahlad Ram Rawani,
S/o Late Baldu Ram Rawani,
44 years, Occ: Service.
7. Sheo Kumar Bajpai, .. Applicants
50 years.

(All applicants are working as Junior Technical-Assistants in Forest Survey of India, Central - Zone, Bungalow No.1, Seminary Hills, Nagpur-6)

- Vs. -

1. Union of India,
Ministry of Environment and Forests,
Dept. of Environment, Forests and
Wild Life, Pariyavaran Bhavan,
Lodhi Road, New Delhi
through its Secretary.
2. The Director,
Forest Survey of India,
25, Subash Road, Dehradun. .. Respondents

(contd....2

3. The Joint Director,
Forest Survey of India,
Central Zone, Bungalow No.1,
Seminary Hills, Nagpur-6 .. Respondents.

CORAM: THE HON'BLE SHRI L.H.A. REGO .. MEMBER(A)
THE HON'BLE SHRI M.B.MUJUMDAR .. MEMBER(J)

ORAL JUDGMENT:

10-8-1988

(Per: THE HON'BLE SHRI M.B.MUJUMDAR .. MEMBER(J)).

Heard Shri P.Rajan Pillai, learned Advocate for the applicants and Shri S.V.Nathu, learned Advocate for the respondents.

2. The respondents have filed the Affidavit of Shri J.B.Lal, I.F.S., Director, Forest Survey of India, Dehradun(respondent-2), opposing the admission of this application. We have also seen the relevant record regarding the meetings of the Departmental - Promotion Committee('DPC' for short), held in 1971. We have noticed some factual errors in the affidavit of respondent(R) 2, but we consider that they are not material for the purpose of this case.

3. The salient background to this case is as follows: All the 7 applicants are working as Junior Technical Assistants ('JTAs' for short) since 1978/1979/1980. Previously, they were working as Deputy Forest Rangers. They filed this application praying for the following reliefs:

(i) that Applicant No.1 be given deemed promotion to the post of JTA, as on 1-11-1971, with due placement in the seniority

seniority list of JTAs at Sl.No.30 with accruing monetary benefits in the promoted post with deemed effect;

(ii) that the applicants 2 to 7 be granted deemed promotion to the post of JTAs with effect from 29-6-1973 with placement in the seniority list of JTAs at Sl.Nos.34, 38, 42, 46, 50 and 54 respectively, with monetary claims with deemed effect.

4. We have heard the advocates for both the sides at length and also considered the relevant record and we feel that the application is hopelessly time barred so far as the claim of the applicants are concerned. The Principal Bench of this Tribunal, in V.K.MEHRA vs. SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, NEW DELHI (ATR 1986 CAT, 203), has held that the Administrative Tribunals Act, 1985, does not vest any power or authority in the Tribunal to take cognizance of a grievance arising out of an order made prior to 3 years of the constitution of the Tribunal i.e., 1-11-1982. The Principal Bench has further held that the applications relating to grievance arising out of an order passed prior to 1-11-1982, the Tribunal will have no jurisdiction, power or authority to entertain the same. This view is consistently taken by the other Benches of the Tribunal also. We, therefore, hold that the present application is barred by limitation, and hence, we cannot entertain this application. Moreover, applicant No.1 had filed Writ Petition No.2430 of 1981 in

the

the High Court of Judicature of Bombay, Nagpur Bench, praying for grant of following reliefs:

- (i) to issue a suitable order or direction for granting him deemed seniority in the post of JTA from 1971 and place him in the seniority list of JTAs over and above respondents 2 to 7;
- (ii) to direct respondent-1 in that petition viz., Forest Survey of India, to consider his case for promotion to the cadre of STA, with deemed seniority over and above respondents 2, 3 and 5 in that petition, who were junior to him and who had been promoted on ad hoc basis to the post of STA.

There is also 3rd prayer in that petition, which is not relevant for our purpose in this case. It can thus be seen that the main prayer in the aforesaid writ petition is practically the same as the prayers made in this application. In that writ petition, notices were issued to the respondents. We are told by Shri S.V.Nathu, who is appearing for respondents herein and who had also appeared for respondents in the writ petition, that the respondents had filed an affidavit therein opposing the admission, and that writ petition was rejected by the High Court on 28-6-1982. In view of the above, we are of the opinion that this application does not survive.

5. We, therefore, reject this application summarily under Sec.19(3) of the Administrative Tribunals Act, with no order as to costs.

(M.B. MUJUMDAR)
MEMBER(J)

(L.H.A. REGO)
MEMBER(A).
10-8-1988

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Judgment dtd. 10.8.88
served on Res. Nos. 1 &
2 on 5.9.88.

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