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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY,
CAMP AT NAGPUR.

Original Application No. 567/89.

Hardas M. Choure, ... Applicant.

Vs.

The Chairman,
Pre-Litigation Committee,
Ordnance Factory,
Nagpur and another. ... Respondents.

Coram: Hon'ble Member(J), Shri A.P.Bhattacharya,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:

Shri Nandkishore Badhe, Date of hearing: 19.1.1990
advocate for the applicant Date of Judgment : 19.1.1990
and Shri Ramesh Darda,
advocate for the respondents.

ORDER:

(Per Shri P.S.Chaudhuri, Member(A))

This application has been filed on 21.7.1989
under section 19 of the Administrative Tribunals
Act, 1985. In it the applicant prays that this Tribunal
should call for the record from the respondents and
fix the seniority of the applicant in the cadre of
Packer w.e.f. 25.7.1977 without any discontinuance.

2. We have heard Shri Nandkishore Badhe, learned
advocate for the applicant and Shri Ramesh Darda,
learned advocate for the respondents. Shri Darda has
also made the relevant record available to us.

3. The record shows that the applicant was
appointed as a Darban on 27.12.1968 and worked in that
capacity till 7.4.1974. Thereafter, he was redesignated
as a Labour 'B' and worked in that capacity from
8.4.1974 till 24.7.1977. He was then promoted as a
Packer and worked in that capacity from 25.7.1977
to 5.7.1979. At his own request, he was trade tested

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for the post of Muccadam and passing in that trade test was then redesignated as Muccadam. He worked in that category of Muccadam from 6.8.1979 to 20.8.1980. Once again, he was redesignated as Packer and worked in that capacity for just four days, viz. 21.8.1980 to 24.8.1980. At his own request he was trade tested once again, this time for the post of Mason. Passing in that trade test he was redesignated as Mason in which capacity he worked from 25.8.1980 to 25.2.1981. Finally, once again his trade was changed at his own request. This time it was back from Mason to Packer, in which capacity he is working from 26.2.1981 onwards.

4. The applicant claims that several times he requested the department to fix his seniority in the cadre of Packer w.e.f. 25.7.1977 but none of these representations have been attached to the application. He was given a final~~y~~ reply on 7.1.1988 informing him that his request for assigning him seniority in the cadre of Packer w.e.f. 25.7.1977 could not be acceded to. Thereafter, the applicant filed this application on 21.7.1989.

5. The applicant's claim is a stale and very belated one which is hopelessly barred by limitation. He did nothing in the matter for over a decade from 1977 to 1988. No explanation is forthcoming for this inaction. Quite apart from this, we see no merits in the applicant's claim. He has been repeatedly changing his trade at his own request. He cannot possibly expect that his seniority in his original cadre will remain undisturbed in spite of these repeated changes, all at his own request. We therefore see nothing wrong in the respondents' decision,

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communicated to him, that his request for seniority in the cadre of Packer w.e.f. 25.7.1977 was not acceptable.

6. In view of this position, we see no merit in the application. We accordingly reject it summarily under section 19(3) of the Central Administrative Tribunals Act, 1985.

P.S. Chaudhuri

(P.S.CHAUDHURI)
MEMBER (A)

A. P. Bhattacharya
19.1.90.

(A.P.BHATTACHARYA)
MEMBER (J).

Order dated 19.1.90
sent to parties
on 8.2.90.

Chaudhuri