

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT SITTINGS AT NAGPUR.
~~XXXXXXXXXXXX~~

O.A. No.
~~XXXXXXXX~~

77 of 1989

DATE OF DECISION 15.3.1989

Shri M.H.Warghat

Petitioner

Shri V.S.Yawalkar

Advocate for the Petitioner(s)

Versus

Union of India & 2 Others.

Respondent

-

Advocate for the Respondent(s)

CORAM :

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

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

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*

(u)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT SITTINGS AT NAGPUR.

Original Application No. 77/89

Shri M.H.Warghat,
Ajni Rly., Colony,
Qr.No.136-A,
Medical College Road,
Nagpur.

.. Applicant

V/s.

1. Union of India through
General Manager,
Central Railway,
Bombay V.T.
2. The Chief Personnel Officer,
Central Railway,
Bombay V.T.
3. The Divisional Railway Manager,
Central Railway,
Nagpur.

.. Respondents.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar
Hon'ble Member(A), Shri M.Y.Priolkar

ORAL JUDGMENT:

Dated: 15.3.1989

(Per: Shri M.B.Mujumdar, Member(J))


On 15.10.1963 the applicant joined services with the Central Railway. On 3.3.1979 he was promoted as Permanent Way Inspector (PWI) Gr.III on ad hoc basis. He attended the first promotional course for the purpose of regularisation/promotion as PWI Gr.III between 16.4.1973 and 15.7.1979. The applicant fared well in the written examination, but failed in oral and practical examinations.

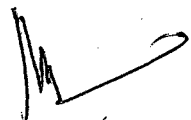
2. The second course for regularisation/promotion was held between 17.9.1979 and 16.12.1979. But the applicant was not sent for that course and he was reverted on 31.8.1979 as PWI Mistry. He was, however, sent for the third regularisation/promotion course which was held between 24.4.1980 and 23.7.1980. He passed in that course and hence promoted immediately on or about 4.3.1981.

Contd...2/-

3. The applicant had made his first representation on 25.9.1979. As no reply was received he went on making repeated representations till a notice under Section 80 of the Civil Procedure Code was given on 17.10.1988. The applicant has given particulars of these representations in para 7 of the application. On 4.2.1988 he received reply of the respondents, but it was to his representation dated 31.5.1987.

4. On 20.1.1989 the applicant has filed the present application challenging his reversion on 31.8.1979 with consequential reliefs and benefits. But in our view the cause of action for the application arose on 31.8.1979 when the applicant was reverted because of his failure in the oral and practical examinations. It is true that the applicant was making representations since then, but such repeated representations in our view will not save the application from the clutches of limitation. In a number of cases we have taken the view that this Tribunal will have no jurisdiction in respect of a cause of action which had arisen more than 3 years prior to Constitution of this Tribunal i.e. prior to 1.11.1982 and in such cases there is no question of condonation of delay also (see V.K.Mehra V. Union of India, ATR 1986 (1) CAT 203). Hence we hold that this application does not deserve to be admitted and hence we reject the same summarily.


(M.Y. Priolkar)
Member(A)


(M.B. Mujumdar)
Member(J)