

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(5)

O.A. NO: 20/89

199

T.A. NO: -----

DATE OF DECISION 12-11-1992

S.B. Merwade

Petitioner

Applicant in person

Advocate for the Petitioners

Versus

The GM, Telecom, Maharashtra Circle and two ors.

Respondent

Mr. V. S. Masurkar

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman

The Hon'ble Mr. Ms. Usha Savara, 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 ?

Sy
(S.K.DHAON)

mbm* NO

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.20/89

S.B.Merwade,
65/2, Somwar Peth,
Pune - 411 011. .. Applicant

-versus-

1. The General Manager
Telecom,
Maharashtra Circle,
Bombay - 400 001.
2. The Director General,
Telecom,
New Delhi.
3. The General Manager,
Pune ~~Telephones~~,
Pune - 411 002. .. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,
Vice-Chairman.

Hon'ble Ms.Usha Savara, Member(A)

Appearances:

1. Applicant in person.
2. Mr.V.S.Masurkar
Counsel for the Respondents.

ORAL JUDGMENT: Date: 12-11-1992
(Per S.K.Dhaon, Vice-Chairman)

The applicant, who has retired ~~@ 65~~
Sr.S.S.Commercial, ~~Maharashtra~~ Telecom, has approached this Tribunal with the only prayer that he may be given notional promotion with effect from 1-6-1974 and the consequential benefits may also be given to him with interest @ 12%.

2. The Supreme Court on 4-1-1972 handed down the judgment that for the purpose of determining seniority the length of service should be taken into account. In pursuance of the said judgment, the department recast the seniority of numerous employees, including the applicant, and ~~re~~fixed the

seniority of the applicant with effect from 1-6-1974. This fact is not denied by the applicant. It is also stated in the reply that the applicant has been given all the financial benefits which have accrued to him on the footing that he stood promoted with effect from 1-6-1974. This assertion is also admitted by the applicant. Therefore, it is apparent that the relief, as sought by the applicant, in the present application stands completely granted. However, the contention of the applicant is that the effect of the judgment of the Supreme Court should be that he should be treated to be promoted sometime in the year 1972. He, therefore, urges that we may direct that he should be ~~deemed to be~~ notionally promoted from the year 1972 and thereafter the financial benefits may be computed.

3. It is the applicant's own case that he got the information and notice of the changes effected by the department in pursuance of the judgment of the Supreme Court dt. 4-1-1972 in September, 1978. The precise date is 7-8-1978. We find that between 1978 and 25-2-1985 the applicant did not take any step to agitate his grievance, ~~On the last~~ date, for the first time, he made a representation.

4. In the reply filed it is stated that the applicant was given a promotion on 10-5-74 which he declined to accept. The reply given by the applicant is that he declined to accept the promotion because it was a temporary arrangement. Be that it may, the reply also indicates that he was given

a due reply to his representation on 11-1-1985 by the competent authority. We may note that this application was presented in this Tribunal in the year 1988. Thus it is apparent that the applicant allowed the grass to grow between and 7-8-1978 to 22-2-1985 on the one end thereafter he allowed time to run out after 11-1-1985 till the date of filing of this application.

5. We have heard the applicant who appeared in person for quite sometime. We feel that this is not a fit case for interference as the applicant, in our opinion, is guilty of gross laches. The application is rejected but not order as to costs.

U. Savara
(USHA SAVARA)
Member(A)

S.K. Dhaon
(S.K. DHAON)
Vice-Chairman

MD