

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

CAMP : NAGPUR

O.A. No. 583/89
Tx~~xxx~~No.

198

DATE OF DECISION 28.3.1990

Shri R.V.Thakre Petitioner

Shri V.S.Yawalkar Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Shri Ramesh Darda Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. J.P.Sharma, 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 ?
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 ?

Y

Y

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(4)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

CAMP : NAGPUR

OA.NO. 583/89

Shri R.V.Thakre ... Applicant

vs.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Member (A) Shri P.S.Chaudhuri
Hon'ble Member (J) Shri J.P.Sharma

ORAL JUDGMENT

Dated: 28.3.1990

(PER: P.S.Chaudhuri, Member (A))

Applicant by Mr. V.S.Yawalkar. Respondents by Mr.
Ramesh Darda.

2. The applicant's grievance in this case is that he was retired on superannuation on 31.1.1987 instead of 30.9.1987 which is the date arrived at on the basis of his age recorded in his discharge certificate.

3. We are not inclined to admit this application on the short point of limitation. The applicant was retired on 31.1.87 and the cause of action arose from that date. In terms of Section 21 of the Administrative Tribunals Act, 1985, he should have filed this application within one year of the cause of action arising. He failed to do ^{so} within this period and only filed the application on 14.8.1989. Mr. Yawalkar tried to get over this predicament by pointing out that the applicant has represented in the matter in 1986 but this does not help him because this representation was rejected on 9.4.1986 which is a date even earlier than 31.1.1987.

4. In this view of the matter, we find that this application is hopelessly barred by limitation. We accordingly summarily reject the application under Section 19 (3) of the above mentioned Act.

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)

P.S. Chaudhuri
(P.S. CHAUDHURI)
MEMBER (A)