

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 323/96/199

Date of Decision: 13-9-96

G.K. Yadav

Petitioner/s

Shri S.S.Karkera.

Advocate for the
Petitioner/s

V/s.

Union of India and others.

Respondent/s

Shri V.S.Masurkar.


Advocate for the
Respondent/s

CORAM:

Hon'ble Shri B.S. Hegde, Member(J)

Hon'ble Shri M.R. Kolhatkar, Member(A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?


(B.S. Hegde)
Member(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, GULESTAN BUILDING No. 6
PRESCOT ROAD, BOMBAY: 1

Original Application No. 323/96

12th the day of September 1996

CORAM: Hon'ble Shri B.S. Hegde, Member(J)
Hon'ble Shri M.R. Kolhatkar, Member(A)

G.K. Yadav,
Poultry Attendant,
Central Poultry Breeding Farm,
Aarey Milk Colony, Goregaon(E)
Mumbai - 400 065.

... Applicant.

By Advocate Shri S.S. Karkera.

V/s.

Union of India through the
Joint Secretary, Govt.
of India, Ministry of
Agriculture, Department of
Animal Husbandry & Dairying,
Krishi Bhavan, New Delhi.

Director
Central Poultry Breeding Farm
Aarey Colony, Mumbai- 400 065

... Respondents.

By Advocate Shri V.S. Masurkar.

O R D E R

Per Shri B.S. Hegde, Member(J)

The applicant has filed this O.A.

seeking quashing of the impugned order dated 3/5th August 1991. wherein the respondents have reduced the pay by one stage from Rs. 940/- + Rs. 14/- to Rs. 940/- in the scale of Rs. 750-12-870-EB-14-940 for a period of two years with effect from 1.8.91. The applicant will not earn increment of pay during the period of reduction and that on expiry of this period, the reduction will not have the effect of postponing his future increment of pay.

2. Though the order was passed in the year as back as 1991, the applicant has filed this O.A. in the year 1996, i.e. after a lapse of nearly 5 years.

Thereby he has filed M.P. 282/96 for condonation of delay, wherein it is stated that he was not aware of the Rules of the Department and he was not properly guided in this

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respect. The reasons explained in the M.P. is not satisfactory. The applicant has preferred an appeal as back as 22.8.91. Again reminder was send after four years i.e. on 24.4.95. No reply has been received.

3. The respondents in their reply ~~denied~~ the contention of the applicant and submitted that since the applicant was punished as back as 1991 and he has filed this O.A. on 23.2.96, therefore there is unexplained and in ordinate delay of ~~nearly 5~~ years in approaching this Tribunal and the application is not filed within the limitation prescribed under Section 21 of the Administrative Tribunals Act 1985. The applicant has filed appeal against the impugned order as back as 1991 and again on 24.4.95. The earlier appeal dated 22.8.91 was not sent through proper channel. However subsequent appeal dated 24.4.95 was sent through proper channel and therefore the applicant ought to have approached this Tribunal after awaiting for six months after preferring the first appeal under section 20(2) of the Administrative Tribunals Act 1985. Such a step has not taken by the applicant.

4. In the light of the above, we are of the view that the application is hopelessly barred by limitation and the O.A. is devoid of merit. Accordingly O.A. is ~~the~~ dismissed at the admission stage itself.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

B.S. Hegde

(B.S. Hegde)
Member (J)

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