

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 331/96/122

Date of Decision: 12.1.97

B.R. Joshi

Petitioner/s

Shri S.D. Dahiwal

Advocate for the
Petitioner/s

V/s.

Union of India and others

Respondent/s

Shri Ravi Shetty.


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. 331/96

17th the Friday day of January 1997

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

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

B.R. Joshi
R/o Room No. 739/158
Sant Tukram Nagar
Pimpri, Pune.

... Applicant.

By Advocate Shri S.D. Dahiwal

V/s.

The Union of India through
the Secretary, Railway Board
Rail Bhavan, New Delhi.

The Divisional Railway
Manager(P) Central Railway
Engineering Section,
Bombay V.T.

The Assistant Engineer(M)
Central Railway, Pune.

... Respondents.

By Advocate Shri Ravi Shetty.

ORDER

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

Heard counsel for the parties. Perused
the records.

2. The prayer made in this O.A. is to
direct the respondents to promote the applicant to
higher post in place of a worker who retired on 1.7.81
on Seniority basis.

3. The applicant was initially appointed as
Gangman in the Grade Rs. 200 - 250 on 25.4.81 and at
his own request he was posted to the post of

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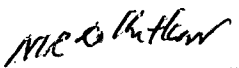
Office Peon from ^{16.7.81}~~16.7.81~~. Thereafter the applicant was promoted to the post of Senior Office Peon with effect from 31.10.83 and was given proforma fixation in the post of Senior Office Peon with effect from 1.8.82.


4. This application has ^{been} filed not against any order passed by the respondents by which the interest of the applicant has been prejudiced. As stated earlier the applicant was appointed initially in the year 1981 and seeking a direction to promote him in place of a particular worker who retired on 1.7.81 and to treat the grade as Rs. 200 - 250 and even Rs. 210 - 270. That contention is not tenable. Besides that, though the cause of action is as ^{far}~~back~~ as 1981, the applicant has filed this O.A. after a lapse of 15 years. Therefore, the application filed by the applicant is hopelessly barred by time as the alleged cause of action is before 1.11.82. On that count ^{have}~~of~~ the application deserves to be dismissed. However we are not dismissing the application only the point of limitation but on merit also.

5. The respondents have pointed out that the post of Senior Office Peon was wrongly upgraded from the grade Rs. 200 - 240 to 200 - 250. The same has been rectified by the respondents vide their letter dated 18.10.83. The applicant has not made out any case to interfere. Therefore, we are of

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the view, that the application must fail not only on ground of limitation but also on merits. Normally we would have awarded cost on applicant, but since he is a Class IV employee, no order as to costs.


(M.R. Kolhatkar)
Member(A)


(B.S. Hegde)
Member(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, PRESCOT RD, 4TH FLR,

MUMBAI - 400 001.

REVIEW PETITION NO.25/97 in

ORIGINAL APPLICATION NO.331/96.

DATED THIS 13th DAY OF MARCH, 1997.

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

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

Shri B.R.Goshi,
R/O.Room No.739/158,
Sant Tukaram Nagar,
Pimpri, Pune - 18.

... Applicant.

Vs.

1. The Union of India,
Through the Secretary,
Railway Board, Rail Bhavan,
New Delhi.
2. The Divisional Railway Manager(P),
Central Railway,
Engineering Section,
Bombay V.T.
3. The Assistant Engineer(M),
Central Rly, Pune - 411 001.


... Respondents


TRIBUNAL'S ORDER BY CIRCULATION

This Review Application has been filed by the applicant seeking review of the judgement dated 17/1/97. The OA was dismissed both on merit as well as on limitation.

The applicant was seeking promotion to the post of senior office peon w.e.f. 1981. He has filed the OA in 1996 after a lapse of 15 years.

On perusal of the review petition, we do not find that any error has occurred nor any new facts have been brought out to our notice, calling for review of our judgement, keeping in view of the provisions of order 47 Rule 1 read with section 115 of CPC, the same is dismissed by circulation.


(M. R. KOLHATKAR)
MEMBER(A)


(B. S. HEGDE)
MEMBER(J)

abp.