

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 532/96

DATE OF DECISION: 9/01/2001

Shri Vijay Dhaku Ladgaonkar & 11 Ors

Applicant.

Shri C.B.Kale

-----Advocate for
Applicant.

Versus

Union of India & 2 Ors.

-----Respondents.

Shri V.S.Masurkar


-----Advocate for
Respondents.

CORAM:

Hon'ble Shri Kuldip Singh Member(J)

Hon'ble Smt. Shanta Shastri Member(A)

1. To be referred to the Reporter or not? /x
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.


(KULDIP SINGH)
MEMBER(J)

abp

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:532/1996
DATED THE 9th OF JAN. 2001**

**CORAM: HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)**

- 1) Shri Vijay Dhaku Ladgaonkar,
Khalasi, P&T,
Electrical Sub Division, Thane
Mumbai - 400 001.
 - 2) Shri N.R.Gavade, Khalasi.
 - 3) Dattaram Rajaram Modak, Khalasi
P&T E.S.D. Mumbai - 400 001.
 - 4) Satish Vithal Naik, Khalasi,
P&T E.S.D., Mumbai - 400 001.
 - 5) Chandrakant Mahadev Khargaonkar,
Khalasi, P&T, E.S.D.,
Mumbai - 400 001.
 - 6) Dilip Sarjerao Salunke, APSO, Mumbai-99.
 - 7) Ashok Ganpat Shedge, APSO, Mumbai-99.
 - 8) Hiramani Gaja Pasi, APSO, Mumbai-99.
 - 9) Durgaprasad Bhagwati Gupta, Khalasi, Sion.
 - 10) Fulchand Lalchand Gupta, Khalasi, Sion.
 - 11) Laxman Shankar Waghmare, Khalasi,
Thane R.S.
 - 12) Dundu Dharma Pardhi, Khalasi,
Mumbai - 400 001.
- ... Applicants

By Advocate C.B.Kale

V/s.

1. The Superintending Engineer(E),
Telecom, Electrical Circle,
(Coordination) Sion, Bombay - 400 022.
 2. The Chief Engineer,
Telecom Electrical Office,
Telecom Complex,
Khar Danda, Santa Cruz West,
Mumbai - 400 014.
 3. The Union of India Through The
Director General, Telecommunication,
Sanchar Bhavan 20, Ashoka Road,
New Delhi-110 001.
- ... Respondents.

By Advocate Shri V.S.Masurkar

...2.

(ORAL) (ORDER)

Per Shri Kuldip Singh, Member(J)

In this OA the applicants are challenging provisional seniority list issued on July, 93. But the applicant also claims ~~that by~~ this OA for promotion as the respondents have given some of the promotions to the juniors ignoring the applicants. The applicants also state that they have made various representations but to no effect. So they have come up with this OA. All the applicants are working as Khalasi in the P&T under the control of Superintending Engineer in the payscale of Rs.750-12-870-EB-14-950. It is further alleged that some of the juniors have been promoted to the post of Assistant Wireman in the payscale of Rs.800-15-1010-EB-20-1150. The applicants further rely that the department has to issue seniority list after every five years but in this case the respondents have not issued any seniority list and hence the applicants have not come to know of the juniors being promoted, and they have filed OA immediately after they came to know of the promotion of the juniors.

2. They have further stated that promotion to the post of Assistant Wireman from Khalasi is given on the basis of seniority cum fitness. In this case the seniority list was not published and circulated among them. When they made representations to the respondents, there is no reply and hence they have filed this OA. The applicants state that all the applicants have satisfactory service records. They have also been permitted to appear for the P.W.D. examination except the applicants at Serial No.9 & 12 and have been successful and hence they are all entitled to be promoted before their juniors to the post of Assistant Wireman.

3. The application is being contested by the respondents. The respondents submit that though the applicants have made an application challenging the seniority list, but in fact they have challenged the promotion given to alleged juniors who were given promotion sometime in the year 1985 and the applicants have approached this Tribunal after a period of 10 years and they have filed this application on 21/3/96 which is highly belated and hit by delay and laches and is time barred.

4. The learned counsel for respondents submits that the seniority lists have been issued and various opportunities given to all the electrical divisions of the respondents. As ^{for} the promotion given to the persons mentioned in para-4.1, it is stated that some persons have been promoted vide order dated 27/7/85 by the DPC which was held in the year 1985 and promotions have been given in accordance with the recruitment rules for A.C. Servicemen laid down ^m CPWD Man. Vol. III. According to above rules, only Khalasis working in A.C. & Refrigeration side with 3 years experience are to be considered and all the above officials have the above experience. Whereas none of the above applicants have experience in A.C. & Refrigeration.


5. We have heard Shri V.S. Masurkar for the respondent. The Counsel for respondents has stated that they have given promotion in accordance ^{with the} recruitment rules, etc.


6. At the outset, it is mentioned that on going through the entire OA, we find that the applicants in this OA are challenging the promotion order of 1985 but the OA has been filed on 21/3/96, though in para 3.1, the applicant has stated as to how they had been making various representations on coming to know about their juniors being promoted ⁱⁿ in the year March, 1994. But this

explanation given by them is not satisfactory because as per record, Exhibit-R-1 and R-2 show that the draft seniority list was issued [↓] on 26/7/88 and 20/12/88. It cannot be believed that the applicant has come to know about the ^{promotions} ~~seniority~~ [↓] ~~promotions~~ only in 1994. The applicants also state that they had come to know about the promotion of their juniors on 22/9/94 and thereafter, they had been sending reminders which have remained unanswered. When the first representation was not answered the applicants could have approached this Tribunal, but sending repeated representation does not extend the period of limitation.

7. Even otherwise, we find that the respondents have given promotion to the juniors because of the experience in the A.C. and since the applicants were not working in the Airconditioning unit, they could not be given promotion. This explanation of the respondents is legitimate and we have no doubt to believe the statements made by the respondents is true and find that promotions have been given according to rules.

8. Accordingly we find that the OA is devoid of any merit and hence OA is dismissed. No costs.


(SHANTA SHASTRY)
MEMBER(A)


(KULDIP SINGH)
MEMBER(J)

abp.

Date	Office Report	Orders
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	<p>RP- no-14/01 h conclusion g 5/3</p>	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

Review Petition No.14/2000 In

O.A. 532/1996

Tuesday this the *17th* day of April, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

V.D. Ladgaokar & Others

.....Petitioners

Versus

The Supdt. Engineer (E) Telecom,
Mumabi & Others.

..Respondents

ORDER BY CIRCULATION

Hon'ble Mr. Kuldip Singh, Member (J)

This RA has been filed by the applicants for review of the order passed in OA No.532/96 decided on 9.1.2001.

2. By the present RA, the applicants are trying to argue the case which is not permissible and moreso they are stating that they had not been heard while disposing of the OA. It may be mentioned that the order was delivered in the court itself because the order was an oral one and no other error has been brought to our knowledge which may warrant a review of the same under order 47 Rule 1 CPC.

3. In view of the above, RA is rejected.

S-8
(MRS. SHANTA SHASTRY)
MEMBER (A)

Kuldip Singh
(KULDIP SINGH)
MEMBER (J)

Rakesh

at 17/4/01
order/Judgement despatched
to Applicant/Respondent (s)
on 26/4/01

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