

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 166/99

Date of Decision: 15.3.1999.

Shri R.D. Vaze

Applicant.

Shri A.G. Deshpande.

Advocate for  
Applicant.

Versus

Union of India and others.

Respondent(s)

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S. Baweja, Member (A)

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

*R.G. Vaidyanatha*  
(R.G. Vaidyanatha)  
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH 'GULESTAN' BBUILDING NO:6  
PREScot ROAD, MUMBAI:1

Original Application No. 166/99

Monday the 15th day of March 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman  
Hon'ble Shri D.S. Baweja, Member (A)

R.D. Vaze  
52, Kamla Nehru  
Hsg. Society,  
Near Modern School  
Ichalkaranji.

... Applicant.

By Advocate Shri A.G. Deshpande.

V/s.

Union of India through  
Secretary,  
Ministry of Communication  
New Delhi.

The Director General  
Department of Posts  
New Delhi.

Chief Postmaster General  
Maharashtra Circle,  
Mumbai.

Postmaster General  
Goa Region, Goa.

Senior Superintendent  
Post Kolhapur.

... Respondents.

O R D E R (ORAL)

¶Per Shri Justice R.G.Vaidyanatha, Vice Chairman

This is an application filed by the applicant claiming compensation of Rs. 40,000/- for loss of O.T.A. as well as solatium for the mental agony for denying promotion etc. The applicant retired from service on 31.12.1994. The present application is filed in 1999. We have heard the learned counsel for the applicant regarding admission.

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2. Though the applicant retired on 31.12.1994, he has approached this Tribunal in 1999. Merely sending representation or sending repeated representation will not save limitation. Therefore on the face of it the application is barred by limitation, delay and laches.

3. On merits we find that the applicant's grievance is that he was denied promotion when he was due and this made him suffer humiliation and indignity to work under his juniors etc. In our view the Tribunal like ours which is meant for limited purpose of service disputes under Section 19 read with Section 14 of the Administrative Tribunals Act, has no jurisdiction to consider the claims for compensation and the matter is covered by the recent judgement of the Supreme Court in the case of Dr. H. Mukherjee V/s. S.K. Bhargava 1996(2) SC SLJ 53, when it is held that suit for damages or compensation has to be filed in Civil Court and not in Tribunal under Administrative Act. Therefore, even on merits, seeking relief of compensation for mental agony is not maintainable in this Tribunal.

4. In the result the O.A. is rejected at the admission stage.

  
(D.S. Baweja)  
Member (A)

  
(R.G. Vaidyanatha)  
Vice Chairman