

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)

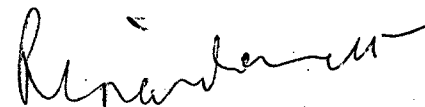
Advocate for
Respondent(s)

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? *N*
- (2) Whether it needs to be circulated to *N*
other Benches of the Tribunal?


(R.G. Vaidyanatha)
Vice Chairman

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH 'GULESTAN' BUILDING 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 Mehru
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.

ORDER (ORAL)

{Per Shri Justice R.G.Vaidyanatha, Vice Chairman}

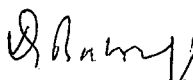
This is an application filed by the applicant claiming compensation of Rs. 40,000/- for loss of O.T.A. as well as solatium for the mental agony for denying promotion etc. The applicant retired from service on 31.12.1994. The present application is filed in 1999. We have heard the learned counsel for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

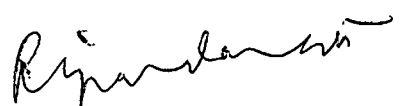
...2..!

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