

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 683 of 2000.

Dated this Monday, the 15th day of January, 2001.

CORAM : Hon'ble Shri B. N. Bahadur, Member (A).

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

Govind Balkrishna Kulkarni,
Phone Mechanic, M.I.D.C.,
Kupwad-Bamni Road,
Kupwad, Sangli - 416 416.

... Applicant.

(By Advocate Shri S.P. Inamdar)

VERSUS

1. Union Of India through
The Chief General Manager,
Department of Telecom,
Maharashtra Circle,
Mumbai - 400 001.

2. The General Manager,
Telecom, District-Sangli,
Sangli - 416 416.

3. The Sub-Divisional Engineer
(Telecom), M.M., M.I.D.C.,
Kupwad, Sangli - 416 416.

... Respondents.

(By Advocate Shri V. S. Masurkar)

OPEN COURT ORDER

PER : Shri B. N. Bahadur, Member (A).

This is an application made by Shri G. B. Kulkarni, seeking the relief as outlined in para 8 of the O.A. The Respondents have filed a reply, where the basic point taken relates to limitation, delay and laches. We have considered all the papers in the case and have also heard the Learned Counsel appearing on the respective sides, namely - Shri S. P. Inamdar and Shri V. S. Masurkar.

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2. As the matter lies in a short compass, we are disposing of the case at the stage of admission by first considering the issue relating to Limitation, delay and laches.

3. The Learned Counsel for the Applicant relied on the order dated 04.03.1985 (exhibit A-2 page 15) where it is stated, inter-alia, that all trainees are due for appointment from 05.03.1985. The contention of the Applicant is that he was not provided the promotion which was due to him in 1985, until over four years later in 1989. On the point of Limitation, the Learned Counsel reiterated his case strenuously on the basis of his N.P. no. 894/2000, praying condonation of delay.

4. There is no other evidence of any application made to the Respondents, except the copy of letter at R-2 (page-55) where it could be seen that some representation was made dated 23.09.1987 and a reply was given on 10.08.1987. Exhibit R-2 which is dated 05.10.1987 is a mere reiteration of the stand taken. It could be seen from this that some representation was indeed made and that it was rejected. The basic point that there is delay and laches to the extent of fifteen years is thus seen to be correct.

5. After hearing both sides in the matter, it is difficult to condone this delay and laches and to provide any consideration to the applicant on this score in the wake of very well settled law by the Hon'ble Supreme Court on the issue of Limitation.

6. Some points were raised by the Learned Counsel for applicant on the merits also, which is said to had a direct

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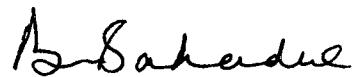
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bearing on limitation. One of these related to the assertion that some other persons were given appointment much earlier to him. Even here, he was also not able to show that any person junior to him in his Division was provided an appointment. We were informed by the Counsel for Respondents that the seniority in this cadre is division-wise, and this is a relevant point which goes against the applicant. It certainly does not help on infirmity in his case on limitation.

7. In view of the case being badly hit by delay and laches and by the law of limitation, the O.A. is, therefore, hereby dismissed. There will be no order as to costs.


(KULDIP SINGH)

MEMBER (J).


(B.N. BAHADUR)

MEMBER (A),

OS*