

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 41/2000

Date of Decision : 30.5.2002

A.N.Chauhan

Applicant

None

Advocate for the
Applicant.

VERSUS

Union of India & Ors.

Respondents

Shri V.S.Masurkar

Advocate for the
Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

- (i) To be referred to the reporter or not ? No
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ? No
- (iii) Library No

S.L.Jain
(S.L.JAIN)
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.41/2000

Thursday this the 30th day of May, 2002.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Ashokbhai N.Chauhan,
R/at Village Naroli,
Via : Bhilad (W.Rly.).

...Applicant

None for the Applicant

vs.

1. Union of India
through Secretary,
The Ministry of Home Affairs,
Central Secretariat,
North Block, New Delhi.
2. The Administrator,
Union Territory of
Dadra & Nagar Haveli,
Administrator's Secretariat,
Circuit House, Silvassa.
3. The Development Commissioner,
Daman & Diu and Dadra & Nagar
Haveli, Secretariat, P.O.Moti Daman.
4. The Asst. Director of Education,
Administration of Dadra & Nagar
Haveli, P.O. Silvassa.

...Respondents

By Advocate Shri V.S.Masurkar

P.C. Ghosh

..2/-

O R D E R (ORAL)

{Per : Shri S.L.Jain, Member (J)}

The applicant has sought the relief as extracted below :-

"(A) That this Hon'ble Court be pleased to direct the Respondents

(i) to pay the applicant the amounts of salaries of the Vacation periods of the years 1992, 1993 and 1994.

(ii) to pay the applicant the arrears of difference between what the applicant is entitled to be paid as and by way of regular salary Minus what has been actually paid, for the period of his services from 11th Nov., 1992 to May, 1994.

(B) It be declared that the applicant is entitled to get the amount of interest at the rate of 12% per annum on the dues which remained unpaid so far.

(C) This Hon'ble Tribunal be pleased to quash and set aside the Impugned Letter dated 2.11.1999 Annexure 'A-11', whereby the reasonable request of the petitioner to continue him in the post of a Hostel Superintendent was turned down.

(D) The respondents be directed to continue the applicant in the post of a Hostel Superintendent on regular basis, on the basis of his earlier selection made in Nov., 1992.

(E) Further and other relief or reliefs, as the nature and circumstances of the case may require, be awarded or granted to the applicant.

2. The applicant has filed this OA. on 31.12.1999. On perusal of para 1 of the OA., the application is against (i) the in action - on the part of the respondents in the matter of regularising the casual service of the applicant, (ii) the impugned letter dated 2.11.1999 whereby the applicant's earlier selection is nullified by the impugned order dated 2.11.1999 (Annexure-11).

Sign

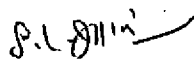
..3/-

3. On perusal of the reliefs claimed at para 8 (A) (i) & (ii) and (B), I find that the applicant is claiming the salary for the vacation period of the years 1992, 1993 and 1994, difference of pay for the period of his service from 11.11.1992 to May, 1994 along with interest at the rate of 12% p.a. The applicant's claim in this respect is barred by time for the reason that applicant has filed the OA. in the Tribunal on 31.12.1999 claiming that OA. is within the period of limitation, whereas the claim relates to the period of the year 1992, 1993 and 1994. In view of Section 21 of the Administrative Tribunals Act, 1985 and the decision of the Apex Court in Udham Singh Kamal's case, the case is barred by time.

4. On perusal of Annexure-'A-11', I find that the selection committee has not selected the applicant for the said post. The applicant has served the respondents for a period of 89 days vide order dated 11.11.1992, thereafter, the said order was revived from time to time, the applicant is not entitled to any relief as the order continuing the applicant for a particular period expires on the said date, the applicant does not acquire any right.

5. In addition to it, the claim of the applicant suffers from the defect of multiple reliefs. The applicant is not entitled to claim multiple reliefs in view of Rule 10 of CAT (Procedure) Rules, 1987.

6. In the result, OA. deserves to be dismissed and is dismissed accordingly with no order as to costs.


(S.L. JAIN)

MEMBER (J)

mrj.