

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 151 of 2001.

Dated this Monday, the 3rd day of ^{June}~~May~~ 2002.

Shri Bhau Raghunath Yadav, Applicant.

Shri R. S. Samant, Advocate for the
Applicant.

VERSUS

Union of India & Another, Respondents.

Shri R. R. Shetty for Advocate for the
Shri R. K. Shetty, Respondents.

CORAM : Hon'ble Shri Justice Birendra Dikshit,
Vice-Chairman.

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

- (i) To be referred to the Reporter or not ? ☒
- (ii) Whether it needs to be circulated to other ☒
Benches of the Tribunal ?
- (iii) Library. ☒

B. N.
(B. N. BAHADUR)
MEMBER (A).

OS*

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Shri Bhau Raghunath Yadav,
Carpt H/S I,
C/o. Barrack & Stores Officer,
N.D.A. Khadakwasala,
Pune 411 023

... Applicant.

(By Advocate Shri R.S. Samant).

VERSUS

1. The Chief Engineer,
Pune Zone, Pune 411 001.

2. Commander Works Engineer,
Gen. Cariappa Marg,
Pune - 411 001.

... Respondents.

(By Advocate Shri R. R. Shetty for
Shri R. K. Shetty)

O R D E R (ORAL)

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

Learned Counsel for the Applicant, Shri R. S. Samant,
and Learned Counsel for Respondents, Shri R. R. Shetty for Shri
R. K. Shetty, is heard on admission.

2. The relief sought is for a declaration that the Applicant
be declared as Carpenter HS-I w.e.f. 15.10.1985 as he is the
seniormost in his cadre. This is further explained by the
Learned Counsel by stating that the Applicant has, indeed, been
provided with this scale from 1991 (Learned Counsel, Shri Shetty,

... 2.

B.S.

confirms that the scale was provided w.e.f. 27.12.1991). The Applicant avers that he had in fact been superseded by one Shri B. M. Aware and should have indeed been promoted from the year 1985.

3. Learned Counsel for Respondents takes up and argues the issue regarding limitation, delay and laches. We have heard the Learned Counsel for Applicant on this point, and he is unable to give any satisfactory explanation for the delay in coming up to the Tribunal. He merely states that he took up the issue after the aforesaid Mr. B. M. Aware retired. This is no ground whatsoever. There is no application filed for condonation of delay, let alone there being no valid reason for the delay.

4. The application is, therefore, hit by the law of limitation and suffers from delay and laches. It therefore deserves to be dismissed at the stage of admission and is accordingly dismissed. No order as to costs.

B. N. Bahadur

(B. N. BAHADUR)
MEMBER (A)

B. Dikshit

(BIRENDRA DIKSHIT)
VICE-CHAIRMAN.

OS*

dt: 03.8.02
Order/Judgement despatched
to Applicant/Respondent (s)
on 23.7.03