

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 657/2001

Date of Decision : 25.8.2003

H.S.Mahmuni

Applicant

None

Advocate for the  
Applicant.

VERSUS

Union of India & Ors.

Respondents

Shri R.R.Shetty

Advocate for the  
Respondents

CORAM :

The Hon'ble Shri Justice S.R.Singh, Vice Chairman

The Hon'ble Shri S.K.Agrawal, 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

  
(S.R.SINGH)  
VICE CHAIRMAN

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.657/2001

Monday this the 25th day of August, 2003.

CORAM : Hon'ble Shri Justice S.R.Singh, Vice Chairman

Hon'ble Shri S.K.Agrawal, Member (A)

H.S.Mahmuni,  
At Kondhve Dhavde,  
Post N.D.A. Khadkwasala,  
Pune.

...Applicant

None for the Applicant

vs.

1. The Engineer In Chief,  
Kashmir House,  
New Delhi.

2. The Chief Engineer,  
Southern Command,  
Pune.

3. The Chief Engineer,  
Pune Zone Manekji Mehata Rd.,  
Pune.

4. Commander Works Engineer,  
Gen., Kariappa Marg,  
Pune.

...Respondents

By Advocate Shri R.R.Shetty

O R D E R

{Per : Shri Justice S.R.Singh, Vice Chairman}

None appears for the applicant. We have heard Shri R.R.Shetty, Learned Counsel representing the respondents and perused the pleadings.

*(Signature)*

..2/-

2. The applicant herein has prayed for the following reliefs :-

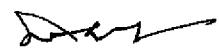
"8. (a) All the benefits of "Three Grade structure" scheme, i.e. of H/s-II and H/s-I be given to applicant from the same date made effective by Government of India, i.e. 15.10.1984 for H/s-II, and then further for H/s-I.

(b) All financial benefits be allowed to applicant on every step of promotion of H/s-II and H/s-I as per policy of "Three Grade Structure".

(c) All pensionary benefits be granted to applicant including that of revision of pension due to increase in pay scale in the category of H/s-II and H/s-I as requested above."

3. The applicant superannuated from service w.e.f. 31.3.1999 and his grievance appears to be "on account of non grant of promotion on the post of Highly Skilled Grade-II and Highly Skilled Grade-I w.e.f. 15.10.1984 and 15.10.1985 respectively." Obviously, the application is highly belated and has been instituted on 12.9.2001, i.e. after more than 16 years of the accrual of the cause of action. There is no Misc. Petition seeking condonation of delay. The Original Application being barred by time, we need not go into the merits of the application. Section 21 of the Central Administrative Tribunal Act clearly prohibits the Tribunal to admit an application if it is not instituted within ~~the~~ <sup>as</sup> stipulated period and sub-section (3) of Section 21 ~~enables~~ <sup>enables</sup> the Tribunal to entertain an application filed beyond the period specified in Sub Section(1) and Sub Section(2)

"if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period". Since no such application is filed explaining the delay and laches, the application is liable to be dismissed on the ground of delay and laches. Accordingly, the OA. is dismissed on the ground of delay and laches. No order as to costs.



(S.K.AGRAWAL)

MEMBER (A)



(S.R.SINGH)

VICE CHAIRMAN

mrj.