

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH BANGALORE

DATED THIS THE 16TH DECEMBER 1986

PRESENT: HON'BLE SHRI CH.RAMAKRISHNA RAO, MEMBER(J)

HON'BLE SHRI P.SRINIVASAN, MEMBER(A)

APPLICATION NO. 1082/86

Dattatreya Ashwathrao Kundgol,
aged about 50 years,
Telephone supervisor,
Hangal Taluk, Hangal.

Applicant

(Shri M. Narayanaswamy, Advocate)

1. The General Manager,
Tele Communication,
Karnataka Circle,
Bangalore.
2. The Division Engineer,
Telephones,
Karwar.
3. B.T. Savnur,
Telephone Supervisor,
Hubli.
4. D.L. Sugur,
Telephone Supervisor,
Hubli.
5. S.R. Kulkarni,
Telephone Supervisor,
Hospet.

Respondents

(Shri Basavaraju, Advocate)

This application has come up for hearing before
this Tribunal to-day, Member(A) made the following:

O R D E R

This is a transferred application received from
the High Court of Karnataka.

2. The applicant who was promoted as Telephone
Supervisor(LSG Monitor) in the P&T Department from
the cadre of Telephone Operator by order dated
10.1.1966 with effect from 23.1.1966 complains



that in the seniority of Telephone Supervisors he has been wrongly shown as junior to respondents 3 to 5 who were promoted to that post after/ him

Narayanaswamy, learned counsel for the applicant contends that respondents 3-5 having been promoted as Telephone Supervisors after the applicant and having worked in that post for a shorter period than the applicant, the applicant should have been shown as senior to them on the principle of continuous officiation. He pleaded that the matter should not be dismissed on the ground of laches because the grievance of the applicant is a continuing one.

3. Shri M. Vasudeva Rao, learned counsel for the respondents strongly urges that the application deserves to be dismissed on the ground of laches. The first seniority list of Telephone Supervisors in which the applicant figured and in which he was shown as junior to Respondents 3 to 5 was issued in 1968 but he did not raise any protest at that time and for a long time thereafter. The present writ petition was filed before the High Court of Karnataka in 1983 i.e., 15 years later. At this point of time when a further period of three years have elapsed, the application should not be entertained.

4. Having heard the rival submissions we are of the view that this application deserves to be dismissed on the ground of laches, the delay of 15 years being too long to be condoned and the applicant not having been diligent in the pursuit of his rights.

P. D. I. B.