

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

DATED THIS THE 5TH DAY OF NOVEMBER, 1986.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy ... Vice-Chairman.

And

Hon'ble Mr. L.H.A. Rego. ... Member(A)

APPLICATION NUMBER 1757/86.

E. Munuswamy,
S/o EAKAMBARAM,
Head Clerk,
Regional Provident Fund Commissioner's Office,
Karnataka Region,
Bangalore 560025. ... Applicant.
(Party in person)

Vs.

1. The Chairman Central Board of Trustees
Employees Provident Fund Organisation
Shram Shakthi Bhavan, NEW DELHI.
 2. The Central Provident Fund Commissioner
9th Floor, Mayur Bhavan, Connaught Circus,
NEW DELHI.
 3. The Regional Provident Fund Commissioner,
Bhavishya Nidhi Bhavan, No.8,
Rajaram Mohan Roy Road, Bangalore 25. ... Respondents.
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This application coming on for admission this day,
Vice-Chairman made the following:

ORDER

Case called. We have heard the applicant, who
represented his case in person.

2. In this application made under Section 19 of the
Administrative Tribunals Act of 1985 (Act), the applicant
has sought for a direction to the respondents to restore
him seniority from 6.6.1961 in the cadre of Upper Division
Clerks (UDC) on which date some of his juniors were stated
to have been promoted to that cadre.

3. The applicant joined service on 6.8.57 as a Lower
Division Clerk (LDC) in the Employees' Provident Fund
organisation, Mysore Division, Mysore. The applicant

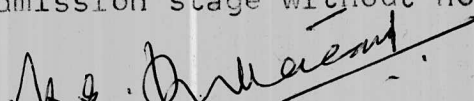
claims that on 6.6.61, 8 of his juniors were promoted as UDCs ignoring his seniority for the same. The applicant claims that he had made innumerable representations to the competent authorities who have not so far examined and remedied his grievance. Hence this application.

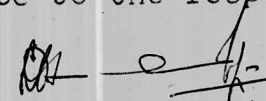
4. Shri E. Munuswamy, contends that he was senior to the persons promoted as UDCs on 6.6.61 and therefore a direction should be issued to the respondents to give him promotion from 6.6.61 and regulate all other conditions of his service on that basis.

5. Among other objections, the office has raised that the application made by the applicant before this Tribunal on 9.9.86 is barred by time. We are of the view that this objection raised by the office is correct. If that is so, then we must reject this application as barred by time without examining the merits.

6. But not withstanding the above, we propose to examine whether this is a fit case in which this Tribunal should entertain this application on merits.

7. Whatever may be the legality or illegality committed by the authority in the year 1961 on which we do not propose to pronounce our views, it is clear that the claim of the applicant relates to ^{and} arose in the year 1961. We will also assume that the authorities have not been diligent in examining the grievance of the applicant and remedying the same. But these factors do not in any way alter the position that more than 25 years have elapsed thereafter and that inordinate delay had not been properly explained, at all. Any adjudication at this distance of time, is not in the interest of all the parties and ^{in the} interests of justice. We are of the view that on the grounds of inordinate delay, and ^{laches} we should decline to interfere with the action of the authorities even if the application is in time as claimed by the applicant. We therefore reject this application at the admission stage without notice to the respondents.


VICE CHAIRMAN


MEMBER (A)(R)