

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION No. 292/87(F)

(WP.NO.)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 6 MAY 1987

APPLICANT

Vs

RESPONDENTS

Smt. Mehar Narayanan

Secretary, Min. of Defence, N.D.

TO

1. Smt. Mehar Narayanan,
LDC, AF Station,
Jalahalli,
Bangalore.
2. Shri. K.S. Ramamurthy,
Advocate, No. 146,
5th Cross, Gandhinagar,
Bangalore- 560 009.
3. The Secretary,
Min. of Defence,
New Delhi-1.
4. The Air Officer,
Commanding-in-chief, HQ Training Command,
Indian Air Force,
Hebbal,
Bangalore-6.
5. The Air Officer Commanding,
Air Force Station,
Jalahalli, Bangalore

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 292/87

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Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on

29-4-87.

ENCL: As above.

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS 29TH DAY OF APRIL, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego,

.. Member(A).

APPLICATION NUMBER 292 OF 1987.

Smt. Mehar Narayanan
W/o K.K. Narayanan,
Lower Division Clerk,
AF Station Jalahalli,
Bangalore.

.. Applicant.

(By Sri K.S. Ramamurthy, Advocate)

v.

1. The Secretary,
Ministry of Defence,
New Delhi-1.

2. The Air Officer
Commanding-in-Chief, HQ Training Command,
Indian Air Force, Hebbal,
Bangalore-6-.

3. The Air Officer Commanding,
Air Force Station, Jalahalli,
Bangalore.

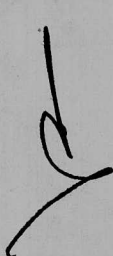
.. Respondents.

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This application coming on for hearing this day, Vice-Chairman made the following:

ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. On 20-5-1963, the applicant joined service as a Lower Division Clerk ('LDC') at INS Venduruthy, Cochin as a casual employee basis in which capacity she continued to serve till 15-5-1964. When she was found surplus in that establishment on 15-5-1964, she was adjusted or appointed at the Air Force Station, Jalahalli ('AFS') from that time, where she is working ever since then. She claims that she was regularly transferred from INS Venduruthy to AFS and therefore she was entitled to count her previous service from 20-5-1963 to 15-5-1964, which was rejected on 30-8-1973 (Annexure-C) and is reiterated on 8-8-1986 (Annexure-A). In this application made on 29-4-1987,



the applicant has challenged these orders and has sought for a direction to treat her previous service from 20-5-1963 to 25-5-1964 as continuous service for purpose of seniority.

3. Shri K.S.Ramamurthy, learned counsel for the applicant, contends that when his client had been transferred to Air Force Station, Jalahalli, her previous service rendered at INS Venduruthy, Cochin, from 20-5-1963 to 25-5-1964 was bound to be reckoned for purposes of seniority and the same cannot be denied in law, justice and equity.

4. After her transfer to or fresh appointment at AFS whichever that be, on which we express no opinion, the applicant claimed to treat her service at INS Venduruthy, Cochin from 20-5-1963 to 25-5-1964 as continuous for purpose of seniority which was rejected by the Air Headquarters, New Delhi as early as on 30-8-1973 and 18-7-1979 (Annexure-B). Undaunted by the earlier rejections, the applicant again represented, which has again been rejected by the Air Headquarters on 8-8-1986.

5. We have earlier noticed that the first rejection was made by the authority as early as on 30-8-1973 and the same is being reiterated on the intermittent representations that are made by the applicant. The later orders made in 1979 and 1986, which do not in any way improve the case of the applicant, were not made in any legal proceedings to save the period of limitation, or ignore the period of delay also. What emerges from this is that the matter against the applicant was concluded as early as on 30-8-1973. If that is so, this application is clearly barred by time and cannot be entertained by us as enjoined by Section 21 of the Act. Even if this application is not barred by time, then also this is not a fit case in which we should interfere in respect of an order made as early as on 30-8-1973. On this view, this application is liable to be rejected without examining the merits.

