

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 5 APR 1988

APPLICATION NO

986

/87(F)

W.P. NO.

Applicant

Shri R.S. Angadi

Respondent

V/s The GM, Telecom, Karnataka Circle, Bangalore

To

1. Shri R.S. Angadi
S/o Shri Siddappa Lingappa Angadi
Gowdara Oni
Fort
Ranibennur
Dharwad District
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The General Manager
Telecommunications
Karnataka Circle
Bangalore - 560 009
4. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

YK/15/1/88
Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STN/15/1/88/00058~~
passed by this Tribunal in the above said application on 28-3-88.

Re: Sent by
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 28TH DAY OF MARCH, 1988

Present: Hon'ble Shri L.H.A. Rego, Member (A)
and
Hon'ble Shri Ch. Ramakrishna Rao, Member (J)

APPLICATION NO. 986/1987

Shri R.S. Angadi,
S/o. Sri Siddappa Urgappa Angadi,
Major, Goudaraoni, Fort,
Ranibennur,
Dharwar District.

.... Applicant.

(Shri M. Raghavendrachar, Advocate)

v.

The General Manager,
Telecom, K.T.K. Circle,
Bangalore-9.

.... Respondent.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

This application having come up for hearing to-day,
Hon'ble Member Shri L.H.A. Rego, made the following:

ORDER

This is an application filed under Section 19 of the
Administrative Tribunals Act, 1985, wherein the applicant
prays, that the respondents be directed to dispose of his
representation dated 23.1.1987, in accordance with law.

The salient background to this case is as follows:

The applicant was appointed as a Telephone Operator (TO) in
the Divisional Engineer Telegraph (DET for short) Division,
Ahmedabad in Gujarat Circle w.e.f. 1.4.1956. He applied for
his transfer in 1959, Pune DET Division, under Rule 38 of the
Post & Telegraphs (P&T for short) Vol IV. It was however
rejected.

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3. Thereon, the applicant is seen to have tendered his resignation as TO, in DET Division, Ahmedabad, on 7.12.1959, which was accepted by the DET Ahmedabad. However shortly thereafter, he was selected afresh for the post of TO in DET Division Pune, in response to his application. Consequent to his selection as TO anew, in DET Pune Division on 22.12.1950, the applicant joined duty in that capacity, the same day.

4. The applicant submitted a representation to the concerned authority, to count his past service as TO, in DET Division Ahmedabad, for the purpose of fixation of his pay, grant of leave etc., but the same was rejected. He appealed thereon to the next higher authorities namely the Post Master General, Bombay and the Director General P & T New Delhi, but his appeal was rejected by them on 15.10.1963 and 25.10.1963 respectively.

5. The applicant is said to have pursued the matter with higher authorities even thereafter and finally a sympathetic view seems to have been taken, to reckon his past service in DET Dn Ahmedabad for the purpose of fixation of his pay and leave credit but not for the purpose of seniority. The period of service rendered by him from 7.12.1959 to 21.12.1959 in DET Dn Ahmedabad, was treated as extraordinary leave and his pay redetermined on that basis, by the DET Pune by his letter dated 18.10.1969.



6. Consequent to linguistic reorganisation of States and formation of the new Karnataka Circle, the applicant

was allotted to that Circle. The applicant seems to be aggrieved, that despite repeated representations, his seniority has not been restored, with due regard, to the past service rendered by him from 7.12.1959 to 21.12.1959, in DET Dn Ahmedabad. The representation dated 23.8.1987, is said to be one of these representations, which the applicant has cited as an omnibus base, for seeking relief through his present application.

7. Shri M. Raghavendrachar, learned Counsel for the applicant, submitted, that his client was discriminated against, as compared to his colleague Sri R.G. Chipalkatti, whose case was more or less akin to his. In this connection, he cited the judgment of the High Court of Karnataka in W.A. No.1516 of 1979. In that writ petition, the petitioner, namely Sri Chipalkatti who was a TO, in that P&T Department, had inter alia prayed, that a writ of mandamus be issued directing the respondents, concerned, to confirm him in the post of T.O. w.e.f.

1.3.1960, in DET Dn Ahmedabad. This prayer was granted on 4.10.1979, with a direction, that the petitioner was at liberty to represent to the concerned authorities, to fix his seniority, on the basis of his confirmation as above, with reference to his date of transfer, after appropriate orders were passed by the 2nd respondent pursuant to issue of the writ. Sri Achar pleaded, as the case of his client was analogous to that of Sri Chipalkatti, his colleague, he may be granted similar benefit as in the case of Shri Chipalkatti, in the light of the order of the High Court of Karnataka, in the above writ petition.

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8. Shri M. Vasudeva Rao, learned Counsel for the respondents, submitted, at the very threshold, that the application was hopelessly barred by limitation, as it was filed after ^{nearby} ~~namely~~ two decades, as the cause for grievance arose for the applicant for the first time on 25.10.1963 i.e. on the date when the Director General P & T, New Delhi, disposed of his representation. On this ground alone, he said, this application was liable to be rejected in limine. He further contended, that even if the date of the judgment namely 4.10.1979, in the above writ petition was taken into account, presuming that the cause for grievance for the applicant arose for the first time on that date, then too, the application was highly belated, as to be hit by the bar of limitation.

9. We have carefully examined the rival contentions and perused the relevant record placed before us. It is apparent, that the cause for grievance for the applicant actually arose as long back as on 4.10.1979, if not on 25.10.1963. The applicant seems to have lapsed into inertia for an inordinately long time, for which he has not given any satisfactory explanation, for having had sufficient cause. As the cause for grievance had arisen on a date, beyond three years immediately preceding the constitution of this Tribunal, this Tribunal has no jurisdiction or power to entertain this application, as ruled by the Principal Bench of the Central Administrative Tribunal New Delhi, in A.T.R. 1986, 203 (V.K. MEHRA v. SECRETARY, UNION MINISTRY OF I & B & OTHERS). Repeated representations said to have been submitted by the



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applicant for the last nearly 3 decades or so, do not come to his aid, in surmounting the bar of limitation, as held by this Tribunal in A.No. 46/87 (KSHAMA KAPUR v. SECRETARY, UNION MINISTRY OF HEALTH & FAMILY WELFARE).

10. From the foregoing, it is clear that the application fails primarily on the ground of limitation and maintainability and is, therefore, liable to be rejected. We therefore reject the same, accordingly.

11. Nevertheless we hope, that the respondents would review the case of the applicant sympathetically in the light of the judgment rendered by the High Court of Karnataka in CHIPALKATTI case aforementioned and grant him such relief as is considered appropriate, in order to remove the invidious distinction between Chipalkatti and the applicant, who is said to have been similarly circumstanced.

12. The application is dismissed subject to the above observation. Parties to bear their own costs.



Sd/-

MEMBER (J)

28/3/80

TRUE COPY

Gr/Mrv.

Sd/-

MEMBER (A)

28-5-1988

Deputy Registrar (JDL)
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE