

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated :

15 FEB 1989

APPLICATION NO (S) 467 / 88(F)

W.P. NO (S) _____

Applicant (s)

Respondent (s)

Shri M.S. Dhanraj
To

V/s The Scientific Adviser to Minister of Defence,
M/o Defence, New Delhi & another

1. Shri M.S. Dhanraj
T.No. 361
Tradesman 'C'
P.E.T.C. (Maintenance SE)
Aeronautical Development Establishment
C.V. Ramen Nagar Post
Bangalore - 560 093
2. Shri M. Narayanaswamy
Advocate
844 (Upstairs), V Block
Rajajinagar
Bangalore - 560 010
3. The Scientific Adviser to
the Minister of Defence & Director General
Research & Development
Ministry of Defence
DHQ P.O.
New Delhi -110 011
4. The Director
Aeronautical Development Establishment
C.V. Ramen Nagar Post
Bangalore - 560 093
5. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY~~/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 10-2-89.

48662
K.M.M.
15-2-89

dc
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 10TH DAY OF FEBRUARY, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ...VICE-CHAIRMAN
HON'BLE SHRI L.H.A. REGO ...MEMBER (A)

APPLICATION NO. 467/88(F)

M.S.Dhanraj,
S/o.Sam,
Aged 39 years,
T. No.361,
Tradesman 'C',
P.E.T.C. (Maintenance SE),
A.D.E.,
C.V. Raman Nagar Post,
Bangalore.

... Applicant

(Shri M. Narayanaswamy.....Advocate)

Vs.

1. The Scientific Adviser,
to the Minister of Defence,
R&I Headquarters,
NEW DELHI.
2. The Director,
Aeronautical Development
Establishment,
C.V. Raman Nagar Post,
Bangalore.

... Respondents

(Shri M.S. Padmarajaiah.....Advocate)

This application having come up for hearing
before this Tribunal to-day, Hon'ble Shri Justice K.S.
Puttaswamy, Vice-Chairman, made the following :

O R D E R

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

2. Shri M.S. Dhanaraj, the applicant before us, commenced his career on 19-7-1969 as a civilian labourer in the Army Ordnance Corps. On compassionate grounds he was transferred to Aeronautical Development Establishment, Bangalore (ADE) from 9.11.1977 as Lascar where he is working ever since then.

3. On 27.1.1979, a promotional opportunity to the post of Tradesman E arose in the ADE. On that occasion one Shri Chandrappa stated to be the junior of the applicant was promoted at Tradesman E necessarily superseding him. On that the applicant made representation which was rejected on 12.2.1983 (Annexure E). On making further representations which did not bear any fruit, the applicant has approached this Tribunal on 15.3.1988 for appropriate reliefs.

4. In I.A.No.1 the applicant has sought for condoning delay, if there was any delay in making his application. IA No. 1 and the main application are opposed by the respondents.

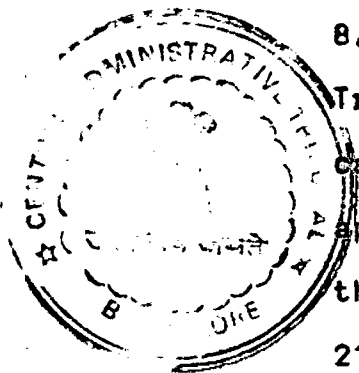
5. Shri M. Narayanaswamy, learned counsel for the applicant, contends that though the supercession of the applicant took place on 27-1-1979 or even prior to 1.11.1982, the same was being agitated by his client before one or the other authority and thus there was really no delay and that if there was any delay, the facts and circumstances stated in IA No.1 constitutes a sufficient ground

for condonation of such delay and condoning the same, we deal with the case on merits.

6. Shri M.S. Padmarajaiah, learned senior standing counsel appearing for the respondents, contends that this is a case in which the matters stood completely concluded against the applicant prior to 1.11.1982 and therefore this Tribunal has no jurisdiction to entertain this application as ruled in V.K. MEHRA V. THE SECRETARY MINISTRY OF INFORMATION AND BROADCASTING NEW DELHI AIR 1986 CAT 203 and 1987(4) ATC 329 DR(SMT) KSHAMA KAPUR V. UNION OF INDIA.

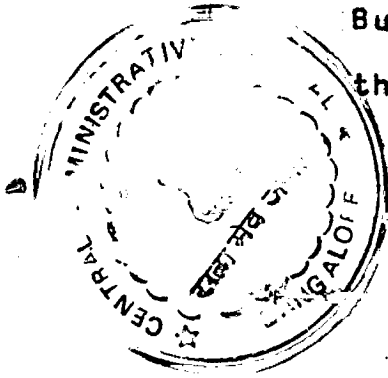
7. We have earlier noticed that the applicant even if he was senior and had superior claims on which we express no opinion had been superseded on 27-1-1979. The representations made from time to time, does not at all alter this position. We have no hesitation in holding that the matter stood concluded against the applicant on 27.1.1979 or prior to 1.11.1982.

8. On the ratio of the rulings of this Tribunal in Mehra's case and Dr. Kshama Kapur's case we have no jurisdiction to entertain this application under the Act. If that is so then the question of condoning the delay under Section 21 of the Act does not arise at all. On this view it is unnecessary for us to examine the



merits of the case.

9. In the light of our above discussion we hold that this application is liable to be dismissed. We, therefore, dismiss the application. But in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-
VICE-CHAIRMAN 18/12/87

Sd/-
MEMBER (A) 18/12/87

TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL) 18/12/87
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE