

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (SDA)
Indiranagar
Bangalore - 560 038

Dated : 2 MAR 1989

APPLICATION NO (s) 114 / 89(F)
W.P. NO (s) _____

Applicant (s)

Shri P. Ishwara Naik
To

v/s

Respondent (s)
The Chief General Manager, Telecom, Karnataka
Circle, Bangalore

1. Shri P. Ishwara Naik
Section Supervisor (TRA)
Telecom District Office
Mangalore - 575 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/SDA/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 20-2-89.

Encl : As above

PN
DEPUTY REGISTRAR
(JUDICIAL)

4/4/89
2-3-89

QC

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE TWENTIETH DAY OF FEBRUARY 1989

Present: Hon'ble Justice K.S.PUTTASWAMY .. Vice Chairman

Hon'ble Shri L.H.A.REGO .. Member(A)

APPLICATION NO. 114/89

P.Ishwara Naik,
Section Supervisor (TRA)
Telecom, Dist. Office,
Mangalore 575 001.

.. Applicant

-vs-

The Chief General Manager,
Telecommunication, Karnataka Circle,
Maruthi Complex,
Gandhi Nagar, Bangalore 560 009.

.. Respondent

This application has come up today before this Tribunal
for Orders. Hon'ble 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. Shri P.Ishwara Naik, the applicant before us, is a member
of a Scheduled Tribe. He joined service as Time Scales Clerk(TSC)
on 27.6.1965. In his Memo No. Staff:325 dated 29.1.1976,
the General Manager, Telecom, Karnataka Circle, Bangalore(GM),
had promoted him to the post LSC Supervisor, now designated as
Section Supervisor in which-capacity he is working ever since then.

On accepting the promotion the applicant started agitating
for giving him retrospective promotion from 27.6.1975 on the ground
that he was due for promotion to the higher post on that date under
the 40 point roster reservation order made by Government. On
11.4.1988 that request has been rejected. Hence this application.

3. On an examination of the application the office, has pointed out that this matter arose prior to 1.11.1982 and therefore the same cannot be adjudicated by this Tribunal.

4. We have perused the office objections and heard Shri Ishwara Naik who appeared in ~~person~~ person and argued his case.

5. Shri Naik contends that since the final order had been made by the authorities as late as on 11.4.1988, this application was in time and this Tribunal was competent to adjudicate his claim.

6. We have earlier noticed that the promotion was given to the applicant as early as on 29.1.1976. When that promotion was given, the authorities did not naturally grant him promotion from 27.6.1975 from which date he claims that he became entitled for that promotion under the 40 point roster. From these it is manifest that the matter relating to the non-promotion of the applicant arose well before 1.11.1982.

In the light of the principles enunciated by this Tribunal in NAK MEHRA V. SECRETARY ATR 1986 CAT 203 reiterated in Dr. (Smt.) Kshama Kapur v. Union of India 1987(4)ATC 329 we have no jurisdiction to adjudicate the claim that arose prior to 1.11.1982. In Kshama Kapur's case we have pointed out that the repeated representations made will not in any way alter that position.

7. On the foregoing discussion, we uphold the office objections and reject this application without notices to the respondents.

Sd—

Sd—

VICE CHAIRMAN

MEMBER(A)

T. 2-484

bk.

28/2/89
TRUE COPY

R. V. Deo
DEPUTY REGISTRAR (JD) 213
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE