

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL****NEW BOMBAY BENCH****O.A. No. 452/90**  
**T.A. No.****198****DATE OF DECISION** 30-8-1990Smt. Prajakta Vasant Madgoankar **Petitioner**  
and others.Mr. H. J. Acharya **Advocate for the Petitioner(s)****Versus**Union of India and others **Respondent**- **Advocate for the Respondent(s)****CORAM****The Hon'ble Mr. G. Sreedharan Nair, Vice-Chairman.****The Hon'ble Mr. M. Y. Priolkar, Member(A)**

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

(4)

O.A.452/90

Smt. Prajakta Vasant Madgoankar,  
Laxmi Nivas, Yari Road,  
Versova, Via Andheri,  
Bombay - 400 057.

.. Applicant

vs.

Union of India and another

.. Respondents

Coram: Hon'ble Shri G. Sreedharan Nair, Vice-Chairman  
Hon'ble Shri M.Y. Priolkar, Member(A)

Appearances:

Mr. H.J. Acharya  
Advocate for the  
applicants.

ORAL JUDGMENT: Date: 30-8-1990  
(Per G. Sreedharan Nair, Vice-Chairman)

Heard counsel of the applicant.

2. The relief claimed in the application is to declare illegal the termination of the services of the applicants as Substitute Berth Reservation Clerks and their absorption as Substitute Clerks on the scale of pay of Rs. 260-400, and to deem the applicants to have been continuously employed in the scale of pay of Rs. 330-560 from the date of their joining in the year 1969-1970. Admittedly the termination of services of the applicants as Substitute Berth <sup>Reservation</sup> Clerks and their absorption in the cadre of Substitute Clerks was done in the year 1978. From para 1 of the application it is seen that the order against which the application is made is the order dtd. 19-9-78, copy of which is at page 54.

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*[Signature]*

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2. Ex-facie the application cannot be entertained as the challenge is against the action of the respondents in the year 1978, and a specific order that was issued on 19-9-1978.


3. Counsel of the applicants submitted that the applicants had filed Writ Petition No.1467/80 before the High Court of Bombay which was finally disposed of only on 26th August, 1987. The filing of the said writ petition cannot be relied upon for extending the period of limitation or for the delay in filing the present application, <sup>for</sup> ~~though~~ the writ petition was not for these reliefs but was only for the modification of <sup>the</sup> absorption letter dtd. 8-12-80 under which the applicants were absorbed in the grade of Rs.260-400, so as to fix them in the grade of Rs.330-560. The writ petition was dismissed and the order of the single Judge was upheld in appeal before a Division Bench.

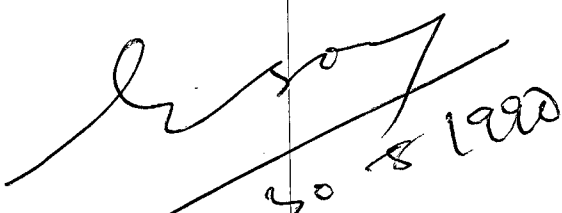
4. Counsel of the applicants also placed reliance on the representation dtd. 30-1-1990 submitted by the Mazdoor Sangh. The request therein was only for the restoration of seniority, on which the Divisional Railway Manager by letter dated 26-4-1990 forwarded his remark to the Divisional Secretary of the Sangh. Neither the said representation nor the aforesaid remark *can* help the applicants in praying for the reliefs contained

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in the O.A. at this stage, after the lapse of twelve years.

5. We reject the application as barred by limitation.

  
(M.Y. PRIOLKAR)  
Member(A)

  
(G. SREEDHARAN NAIR)  
Vice-Chairman

Submitted to the Hon'ble Vice Chairman:

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Sub: Reconstitution of Bench to hear the  
Review Petitions in following matters.

- 1) R.P. No.75/91 in OA No.396/89 Per Hon'ble Shri M.Y. Priolkar, M(A)  
Coram:Hon'ble Shri G.S. Nair, M(J)
- 2) R.P. No.51/92 in OA No.520/90 Per Hon'ble Shri M.Y. Priolkar, M(A)  
Coram:Hon'ble Shri D.K. Aggarwal, M(J)
- 3) R.P. No.61/91 in TA No.202/86 Per Hon'ble Shri P.S. Choudhary, M(A)  
in OA No.361/87 Coram:Hon'ble Shri D. Suryarao, M(J)
- 4) R.P. No.64/92 in OA No.574/87 Per Hon'ble Shri G.S. Nair, M(J)  
Coram:Hon'ble Shri M.Y. Priolkar, M(A)
- 5) R.P. No.42/92 in OA No.452/90 Per Hon'ble Shri G.S. Nair, M(J)  
Coram:Hon'ble Shri M.Y. Priolkar, M(A)
- 6) R.P. No.22/92 in OA No.655/89 Per Hon'ble Shri P.S. Choudhary, M(A)  
Coram:Hon'ble Shri T.C. Reddy, M(J)
- 7) R.P. No.76/92 in OA No.249/91 Per Hon'ble Shri P.S. Choudhary, M(A)  
Coram:Hon'ble Shri T.C. Reddy, M(J)
- 8) R.P. No.64/90 in OA No.417/86 Per Hon'ble Shri P.S. Choudhary, M(A)  
Coram:Hon'ble Shri D. Suryarao, M(J)

All these Review Petitions matters were placed before the Division Bench consisting of the Hon'ble Shri M.Y. Priolkar, Member (A), and Hon'ble Shri S.F. Razvi, Member (J), on 28.4.92 as per the order of the Hon'ble V.C. Shri U.C. Srivastava.

The Tribunal's order dated 28.4.92 in above matters are enclosed herewith for kind perusal and information for Reconstitution of Bench for hearing of Review Petitions mentioned above.

Date: 6/5

Section Officer.

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The following Bench is Reconstituted to hear the Review Petitions in the above case/matters.

New Vice Chairman  
or M.Y. Priolkar (A)

Date:

Vice Chairman