

(2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No. 41/90.

Shri Udhava Tulshiram.

... Applicant.

V/s.

The Divisional Railway Manager,
Central Railway,
Nagpur.

... Respondent.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:

Applicant by
Mr.D.P.Thakur.

Oral Judgment:-

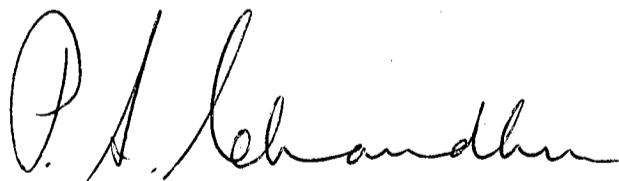
(Per Shri M.B.Mujumdar, Member(J)) Dated: 20.2.1990

Heard Mr.D.P.Thakur, learned advocate for the applicant. In this application the applicant is challenging non-promotion in September, 1982, ^{his v} But it has been held in V.K.Mehra v. The Secretary, Ministry of Information & Broadcasting, New Delhi (ATR 1986 CAT 203), that the Act does not vest any power or authority in the Tribunal to take cognizance of a grievance arising out of an order made prior to 1.11.1982. It is further held in that case that in such a case there is no question of condoning the delay in filing the petition but it is a question of the Tribunal having jurisdiction to entertain a petition itself. This case has been followed in a number of cases including a recent judgment of the Principal Bench in R.Sangeetha Rao v. Union of India (ND), (1989(11)ATC 516). Hence we ~~may~~ hold that we have no jurisdiction to entertain and decide this case as it is hopelessly barred by limitation. We may point out that the applicant has retired in June, 1983.

(3)

- 2 -

2. The applicant has produced a copy of the Judgment of the Presiding Officer, Central Government Labour Court in application (IDA)C.G.No.19/84 decided on 8.11.1989. In that case the applicant was claiming some monetary benefits under section 33-C(2) of the Industrial Disputes Act, 1947. By pointing out that the proceedings under that section are in the nature of execution proceedings, i.e. there must be an existing right in favour of the employee for claiming the monetary benefits under Section 33-C-(2) of the Industrial Disputes Act, 1947, and as ~~such~~ the applicant had no such right, ~~and~~ the application was rejected. That decision will not entitle us to entertain this application because in view of the judgments cited above this Tribunal not only have jurisdiction to entertain this application but the Tribunal will have no jurisdiction to condone the delay in such ^acase ^{also}. In result the application is rejected summarily under section 19(3) of the Administrative Tribunals Act, 1985.



(P.S.CHAUDHURI)
MEMBER (A)



(M.B.MUJUMDAR)
MEMBER (J).