

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.1214/1992.

Wednesday, this the 30th day of July, 1997.

Coram: Hon'ble Shri B.S.Hegde, Member(J),  
Hon'ble Shri M.R.Kolhatkar, Member(A).

S.V.Kamble,  
Rly. Quarter No.MS/RB/I/2,  
Near Station Dombivali(E),  
Thane District - 421 201. ... Applicant.

(By Advocate Shri K.R.Jadhav)

v/s.

1. The Regional Labour Commissioner,  
(Central), Wakefield House,  
Ballard Estate,  
Bombay - 38.
2. The General Manager,  
Central Rly., Bombay VT.
3. The Union of India,  
Ministry of Transport,  
Railway Department,  
New Delhi. ... Respondents.

(By Advocate Shri R.R.Shetty).

O R D E R (ORAL)

(Per Shri B.S.HEGDE, Member(J))

Heard Shri K.R.Jadhav, counsel for the  
applicant and Shri R.R.Shetty, counsel for the  
respondents.

2. The only relief claimed in this O.A. by the  
applicant is that he should have been given promotion  
to the grade of Rs.260-400 from 28.10.1965 and further  
promotion to Senior Clerk in the Grade of Rs.330-560  
in the year 1970 and as Head Clerk in the grade of  
Rs.425-700 in the year 1978 with fixation of pay and  
other consequential benefits.

3. The applicant has retired from service on  
1.7.1985. The O.A. was filed in the year 1992.  
The Registry has made an observation that the application  
is barred by time because the applicant had approached

the Labour Commissioner earlier and that by itself does not preclude him from filing an application for condonation of delay for a period of about 26 years. The respondents in their reply have clearly stated that so far as the placement of the applicant in the post of Junior Clerk w.e.f. 28.10.1965 has already been done, so far as the other two promotions are concerned, the applicant has not given any details whether any of his juniors have been given promotion earlier than the applicant. In the absence of such material facts we are not able to read the contention of the applicant. He has not made out any case whether any of his juniors have been promoted either in the SC/ST category to the post of Head Clerk or Senior Clerk.

4. In the light of the above, the applicant has neither ~~CL~~ made out any case nor has given any details whether any of his juniors have been promoted prior to the applicant. Secondly, the application filed by the applicant is hopelessly barred by time and even on merits he has not made out any case for our interference. Section 21 of the Administrative Tribunals Act clearly envisages that <sup>in</sup> any petition prior to 1982, this Tribunal will have no jurisdiction to entertain the same. In the instant case, the applicant has not even filed an M.P. for Condonation of Delay. Accordingly, the O.A. is devoid of any merits, the same is dismissed with no order as to costs.

*M.R.Kolhatkar*

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(M.R. KOLHATKAR)  
MEMBER (A)

*B.S.Hegde*

(B.S. HEGDE)  
MEMBER (J).