

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD, BOMBAY-1

OA NO. 1274/92

Mr. M G Khubchandani

Resident of Bandra

Bombay 50

.. Applicant

V/s.

FA&CAO, Western Railway

Churchgate; Bombay -20

.. Respondent

Coram: Hon.Mrs.Lakshmi Swaminathan, Member(J)

APPEARANCE:

Applicant in person

Mr. A L Kasture, counsel  
for respondents

ORAL JUDGMENT:

DATED: 12.11.1993

(Per: Lakshmi Swaminathan, Member(J))

Applicant present in person. Shri A L

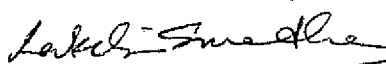
Kasture, counsel for the respondents. This application has been filed by Shri M G Khubchandani, a retired employee of Western Railway, in respect of his non-promotion to the post of Sub Head Clerk in 1963. He was promoted to this post in 1966. The applicant's grievance is that certain juniors had been wrongly promoted earlier and only after their reversion he was promoted in 1966. Therefore, relying on the Railway Board letter dated 15.9.1964 he has submitted that since he has lost his promotion on account of the administrative error of the authorities, his pay in the post to which he was promoted in 1966 should be refixed in the higher grade at the stage he would have reached, if he had been promoted in proper time in 1963, and for consequential pensionary and other benefits.

13

2. The learned counsel for the respondents has opposed this application on two grounds, viz., (i) it is barred by limitation under section 21 of the Administrative Tribunals Act and (ii) that although the applicant has been considered for the promotion to the post of Sub Head Clerk in 1958 he was not selected and that the post being a selection post he had been promoted after due selection in 1966 and his pay fixed in that grade.

3. The applicant has pleaded that he had been continuously representing to the authorities for refixation of his pay although none of the representations are available in the records. He has also stated that he had approached the Bombay High Court in 1991 for granting him the relief and has subsequently filed this application in the Tribunal on 4.12.1992.

4. On the above facts, and having regard to the provisions of Section 21 of the Administrative Tribunals Act, this Tribunal has no jurisdiction or power to entertain this matter. The application relates to a grievance which has arisen beyond the period of three years immediately preceding the date of constitution of this Tribunal, namely 1.11.1985 and is hopelessly time barred. Therefore the application is rejected. No order as to costs.

  
(Lakshmi Swaminathan)  
Member (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Review Petition No.36/94

in  
O.A. 1274/92

Mr.M.G.Khubchandani .. Applicant

-versus-

Union of India & Ors. .. Respondents

Coram: Hon'ble Smt.Lakshmi Swaminathan  
Member(J)

TRIBUNAL'S ORDER BY  
CIRCULATION

Per Smt.Lakshmi Swaminathan, M(J) Date: 11-3-94.

This Review Petition is filed  
against the order dt. 12-11-93 in O.A.  
1274/92 rejecting the applicant's claims  
arising from the Railway Board letter dtd.  
15-9-64.

2. The applicant has not brought out  
any grounds to show any error of law apparent  
on the face of the order.

3. The review petition is rejected.

*Lakshmi Swaminathan*  
(Smt.Lakshmi Swaminathan)  
M(J)

M