

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.No. 569/92

Date of Decision 21/6/1996

Kamalkar Krishnaji Patil Petitioner

Mr. S.P. Inamdar Advocate for the Petitioner.

versus

CPMG, Bombay Respondent

Mr. S.S. Karkera for
Mr. P.M. Pradhan Advocate for the Respondents.

Coram:

The Hon'ble Mr. B.S. Hegde, Member (J)

The Hon'ble Mr. P.P. Srivastava, Member (A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?

Hegde
Member (J)

trk

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

O.A.No. 569/92

DATED: THIS 21/6 DAY OF JUNE, 1996

Coram: Hon. Shri B.S. Hegde, Member (J)

Hon. Shri P.P. Srivastava, Member (A)

Kamalkar Krishnaji Patil
At & Post Vivara 425523

(By Mr. S.P. Inamdar, Counsel)

..Applicant

V/s.

Chief Postmaster General
Maharashtra Circle
Bombay 400001

(By Mr. S.S. Karkera for
Mr. P M Pradhan, Counsel)

..Respondent

ORDER

(Per: B.S. Hegde, Member (J))

Heard Mr. S.P. Inamdar, Counsel for the
Applicant and Mr. S.S. Karkera for Mr. P.M. Pradhan,
Counsel for the respondents. The short point for
consideration is whether the applicant is entitled to
claim seniority to the post of L.S.G. earlier to
1983. On perusal of the pleadings including the amend-
ments carried out to the O.A. the applicant has not
made out any *prima-facie* case indicating which junior
has superseded him in the seniority list. He only states
that he should be restored to L.S.G. grade as per rules
and in this connection he has made a representation

B.S.H.

in 1988. As a matter of fact the applicant has not made out any *prima-facie* case for interference before the Tribunal and to negative the orders of the Respondents.

2. The applicant was appointed as Postal Assistant in Postal department in the year 1953 at Rajkot Division. The contention of the applicant is that at that time the Gujarat and Maharashtra States were combined cadre and common seniority was maintained. However, after the bifurcation of the states of Maharashtra and Gujarat the Postal Circles of Maharashtra and Gujarat were formed in the year 1960, and the applicant was posted to Rajkot Division. It is an admitted fact that on his request he was transferred to Maharashtra Circle in the year 1969. The contention of the Applicant is that LSG grade is maintained by the Circle Gradation List and not by the Division Gradation List. He also avers that he was not aware of the seniority list circulated by the Respondents in the year 1977, whereas the respondents in their reply have made it clear that the basis of promotion prior to introduction of Time Bound One Promotion (TBOP) from 30.11.1983 was the circle gradation list of Time Scale Clerks as on 1.1.1977 which was circulated on 21.11.1978 in which the applicant was junior to both Sarvashri G.D. Shimpi and S.D. Bokil and the applicant has not made any representation regarding fixation of his seniority thereafter. Both Shimpi and Bokil were promoted to L.S.G. in January 1983 whereas the applicant

AB

was promoted to L.S.G. under TBOP from 30.11.1983, and he retired from service on 31.3.1991. The respondents contended that the applicant made representation in the year 1988 i.e., after a lapse of five years of promotion. The respondents have taken the ~~plea~~ that the application is hopelessly barred by time and the same is required to be dismissed. Respondents state that as per the existing rules for making representation regarding correction, omission in gradation list published by the Respondents, any official having a grievance has to make representation within one year after circulation of the gradation list for making any corrections as per the rules prescribed in P&T Volume IV. Since the applicant has failed to make any representation within this time it is not open for him to make representation at his whims and fancies and that too after a lapse of five years. The respondents contended that since the applicant was not promoted prior to 30.11.1983 under One Time Bound Promotion, the question of inclusion of his name in the Circle Gradation list of LSG Officials promoted to LSG prior to 1983 does not arise. He has not made any representation against his incorrect inclusion in Circle gradation list published in 1990, and hence he cannot agitate the matter at this belated stage.

3. It is an admitted fact that even in the rejoinder filed by the applicant it is stated that he had been transferred from Gujarat to Maharashtra Circle on his own request under Rule 38 of P&T Manual Vol. IV.

AM

One of the conditions of such transfer is that he will lose his seniority. As per P&T Vol. IV Rule 38 Circle seniority is maintained in case of transferee within circle. However, in the instant case the transfer being from one circle to another circle the applicant is bound to lose his seniority. The applicant's case is not of repatriation from Gujarat but is a transfer under Rule 38 of P&T Manual Vol. IV.

4. For the reasons stated above and in view of the admitted fact, that the applicant's transfer from Gujarat to Maharashtra is at his own request under Rule 38 of P&T Manual Vol. IV the question of claiming seniority for the services rendered at Gujarat does not arise. Besides that the application is filed after a lapse of five years and is belated. No explanation is forthcoming from the applicant and reasons for filing belated application. He has not made out any prayer for ~~any~~ interference for granting any relief because he has not pointed out of any period or the persons against whom he has got grievance. In the result, we are of the view, the O.A. is hopelessly barred by time and also devoid of merit and the same is dismissed. No order as to costs.


(P.P. Srivastava)
Member (A)


(B.S. Hegde)
Member (J)