

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 1315/93

DATE OF DECISION: 31/1/2000

Shri Dattatraya Narhar Jabras Applicant.

----- Advocate for
Applicant.

Versus

Union of India & 3 Ors.

----- Respondents.

Shri S.S.Karkera for Shri P.M.Pradhan

----- Advocate for
Respondents.

CORAM:

Hon'ble Shri B.N.Bahadur, Member(A).
Hon'ble Shri S.L.Jain, Member(J).

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

No


(B.N.BAHADUR)
MEMBER(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 1315/92

DATE OF DECISION: 31/11/2000

Shri. Jitendra Narayan Jadhav Applicant.

Advocate for
Applicant.

Verma

Union of India & Ors.

Respondents.

Shri S.S. Karkhanavala for Shri P.M. Pradhan
Advocate for
Respondents.

CORAM:

Hon'ble Shri B.N. Bahadur, Member (A).
Hon'ble Shri S.L. Jadhav, Member (A).

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(B.N. BAHADUR)
MEMBER (A)

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:1315/93.
DATED THE 31ST DAY OF JANUARY, 2000.**

**CORAM: HON'BLE SHRI B.N. BAHADUR, MEMBER(A).
HON'BLE SHRI S.L. JAIN, MEMBER(J).**

Shri Dattatraya Narhar Jabras,
Phone Inspector,
Gadre Wade, Main Road,
At & P.O. Pimpalgaon (Basvvan),
Taluka Niphad, Dist. Nashik
PIN - 422 209. ... Applicant.

Versus

1. Union of India, to be served through
Secretary, Posts & Telegraphs Deptt.
Sanchar Bhavan, (Telecom Deptt),
New Delhi-110 001.
2. Director General,
Department of Telecommunications,
Government of India, Sanchar Bhavan,
New Delhi-110 001.
3. The Chief General Manager (Telecom),
Maharashtra Circle,
2nd Floor, G.P.O. Building,
Fort, Bombay - 400 001.
4. General Manager, TELECOM,
Nashik Region, Sharanpur Road,
Nashik - 422 002. ... Respondents.

By Advocate Shri S.S. Karkera for
Shri P.M. Pradhan.

(ORDER) (ORAL)

Per Shri B.N. Bahadur, Member(A).

This is an application made by Shri
Dattatraya Narhar Jabras seeking the relief from
this Tribunal as follows:-

- (a) this Hon'ble Court may be pleased to hold and
declare that the appointment of the applicant as
a Phone Inspector from the post of Junior
Supervisor is wholly illegal and bad in law and

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that the applicant is entitled to be treated as if in the post of Junior Supervisor w.e.f. 1/6/1974.

- (b) this Hon'ble Court may be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other writ, direction or order calling for the record and proceedings and after considering the same quash and set aside the order dated 31/8/1977 at Exhibit 'N' hereto appointing the applicant to the post of Field Inspector and further directing the respondents to treat the applicant as if in the employment as a Junior Supervisor as on 1/6/1974 and grant fixation of pay and salary on the said post w.e.f. 1/6/74 as Junior Supervisor.
- (c) In the alternative this Hon'ble Court may be pleased to hold and declare that the pay fixation of the applicant in the payscale of Phone Inspector at Rs.440/- instead of Rs.470/- is wholly against the principles of natural justice and, therefore, illegal and bad in law, and that the applicant is entitled to be fixed at Rs.470/- as on the date of his appointment as Field Inspector.

2. Infact, the relief sought is from 1/6/1974 whereas the application has been filed

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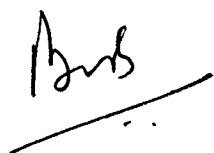
on 10/12/1993. The respondents have filed a written statement wherein among other points relating to merit, it is contended that the application is hit by limitation, and that applicant had merely submitted repeated reminders from 1976 onwards. The plea regarding limitation has again been strongly taken today by Shri S.S.Karkera, learned counsel for respondents.

3. The learned Counsel for Applicant had sent in written submission in argument which is on record# (none is present therefore, for applicant)

4. Considering the facts and circumstances of the case we deem it essential to take up the point of limitation, first

i) We observe from the Exhibit-D to the OA that there is a communication dated 8/7/76 through which an extract of a letter dated 4/6/76 has been forwarded. (Infact, this point is stated in the written submission made by the Counsel for Applicant) In the written submission, it is stated as follows:-

"14/7/76; The Applicant received extract of the letter dated 12th June, 1976 from the Assistant Circle Officer, Vardha, referring to his representation informing him that since he had given declaration



on 18th June, 1976 and agreed to forgo the claim on promotion (i.e. to the cadre LSC Management) for admission of the Telephone Inspector Training Class, he would not be eligible for promotion as Junior Inspector (Exhibit-E, page 26)."

5. It is clear from this and a perusal of the other papers in the case that the cause of action of the grievance of the applicant started in July, 1976. In the written submissions, it is stated that further detailed representation were made. However, it is a settled law in the case of S.S.Rathod v/s State of MP (AIR 1990 SC 10) that repeated representations do not help in matter of limitation, and that the cause of action would arise from the date of expiry of six months of the first representation.

6. Shri S.S.Karkera has strongly reiterated this point to argue that the application is hit by limitation.

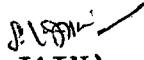
7. It is clear that in the facts and circumstances described above, this case is indeed badly hit by limitation in terms of law settled in the case of S.S.Rathod v/s State of Madhya Pradesh referred to above.


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8. In the circumstances, the application is hereby dismissed. There will be no orders as to costs.


(S.L. JAIN)
MEMBER(J)


(B.N. BAHADUR)
MEMBER(A)

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