

CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CAMP AT NAGPUR

O.A.N. 657/93

21-3-1996

Date of Decision

Abdul Hamid

Petitioner

Mr. R. M. Chaudhuri

Advocate for the Petitioner.

Versus

U.O.I. & Ors.

Respondent

Mr. R. S. Sundaram

Advocate for the Respondents.

Coram:

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

The Hon'ble Mr. M.R. KOLHATKAR, Member (A)

1. To be referred to the Reporter or not? Y

2. Whether it needs to be circulated to other ⁷ Benches of the Tribunal?


(B.S. HEGDE)
M(J)

M

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CAMP AT NAGPUR

O.A.65793

THURSDAY the 21st day of MARCH 1996

CORAM: HON'BLE SHRI B.S.HEGDE, MEMBER(J)

HON'BLE SHRI M.R.KOLHATKAR, MEMBER(A)

Abdul Hamid,
96, Jafarnagar,
In front of Jafarnagar Mosque,
Nagpur.

(By advocate R.M.Chaudhuri)

.. Applicant

-versus-

1. Director of Accounts (Postal)
Nagpur 440 001

2. PostMaster General,
Nagpur Region,
Maharashtra Circle,
Nagpur - 440 010.

3. Chief Postmaster General,
Maharashtra Circle,
Bombay - 400 001.

4. Director General,
Department of Posts,
Dak Tar Bhavan,
New Delhi.

5. Union of India,
through
Secretary,
Ministry of communications,
New Delhi.

6. Joint Director of Audit,
P & T, Nagpur - 440 001.

7. Director of Audit,
P & T, Delhi.

8. Comptroller and Auditor
General of India,
New Delhi 110 001.

(By counsel Shri R.S.Sundaram)

.. Respondents

O R D E R
(Per B.S.Hegde, Member(A))

Heard Mr.R.M.Chaudhuri for the applicant
and Mr.R.S.Sundaram for the respondents. In this O.A.

the applicant is claiming confirmation in the post of Junior Accountant from 17-8-1971 and accordingly refixing of the seniority and grant of deemed date promotion to the post of Senior Accountant with effect from 1-7-1983 along with other consequential relief thereof.

2. The applicant was appointed as L.D.C. on 6-6-1959 and was made permanent in the cadre on 13-7-1966. On passing departmental promotion examination in 1965 he was promoted as UDC on 23-6-1966 along with other 37 LDCs some of whom were junior to him. The applicant thereafter was promoted to the post of JAO and to the post of Sr.Accountant in the year 1987. His main contention is that ~~one~~ one of his junior viz. Mr.R.S.Panse who is at Sr.No.100 in the seniority list has been confirmed earlier. Accordingly, he seeks the following reliefs viz. to refix the seniority of the applicant in the cadre of Junior Accountant on the basis of deemed date of confirmation, to grant deemed promotion to the applicant as senior accountant from 1-7-1983 and other consequential reliefs.

3. The respondents in their reply has taken two objections. Firstly on the point of limitation and secondly on the point of jurisdiction. Counsel for the respondents pointed that applicant has made several representations which has been rejected by the respondents from time to time. Counsel for the respondents state that the cause of action which is being challenged in this O.A. arose in the year 1976 and the applicant has filed this application in the year 1993. It is rightly urged by the respondents that as per the A.T.Act, we can take up cognizance of the case three years prior to promulgation of the C.A.T.Act, 1985. In this case the representations made by the applicant has already been rejected. ..3/-

It was open to the applicant to agitate the matter at that time. He waited 22 years to file this O.A. and further it is nothis case that his representation has not been answered by the respondents.

4. In result, the O.A. is hopelessly barred by limitation and for want of jurisdiction the O.A. is not sustainable and accordingly the O.A. is dismissed but no order as to costs.

M.R.Kolhatkar
(M.R.KOLHATKAR)
Member(A)

B.S.Hegde
(B.S.HEGDE)
Member(J)

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