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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

R.P.No. 18/95 in O.A. 1240/94

N.M. Zendekar .. Applicant

Vs.

Union of India & Ors. .. Respondents

CORAM : 1. Hon'ble Shri Justice M.S.Deshpande, V.C
2. Hon'ble Shri.M.R.Kolhatkar, Member (A)

ORDER ON R.P BY CIRCULATION Dated 9-2-95

In this R.P, the review petitioner has sought review of our judgment dated 30/12/1994 by which we had disposed of the O.A ex -parte the applicant, after dismissing the application for condonation of delay and consequently dismissing the O.A as barred by time.

2. The main ground urged for review is that the advocate for the applicant could not attend the admission hearing for the circumstances beyond his control as he is coming from Pune, was detained in railway traffic near Kalyan. So far as limitation is concerned, it has been argued that the respondent No. 2 never informed the applicant that the Five Yearly assessment of the applicant had ever been turned-down, giving rise to any cause of action. The applicant has also enclosed a statement regarding action taken on the recommendation made at the last meeting of the CIFE Joint Staff Council held on 29-3-1994 at C.I.F.E.

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3. The claim of the applicant is that he was departmentally promoted through a regularly constituted selection committee, for the technical post of Bosun, from 20.2.81 and was deemed to have completed probation on 8.7.86, meaning that he was also confirmed in the technical post. He was thus eligible for five yearly assessment from 1.3.87 and 1.3.92 applicable to technical staff as on 1.3.87. The applicant made a representation dated 20.4.87 and was informed on 27.6.1990 to acquire desired qualifications. Thus right to sue accrued on 27.6.90 and the applicant ought to have approached us within one year thereof. He might have made subsequent representations or might have explored other avenues like raising the issue through joint staff council but that does not save the limitation.

4. No grounds have been made out in the review petition within the parameters of Order 47, Rule 1 of C.P.C. The R.P is therefore without merit and is rejected.

(M.R. KOLHATKAR)
MEMBER (A)

(M.S. DESHPANDE)
VICE-CHAIRMAN

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