

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION No. 128/1997

Date of Decision: 13-2-97

Shri S.S. Chinchalkar

Petitioner/s

Shri V.H. Kulkarni

Advocate for the
Petitioner/s

V/s.

Union of India & Ors.

Respondent/s

None

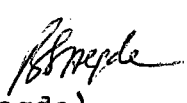
Advocate for the
Respondent/s

CORAM:

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

Hon'ble Shri

- (1) To be referred to the Reporter or not ? ☒
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? ☒


(B.S. Hegde)
Member (J)

ssp.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, GULESTAN BUILDING NO. 6
PRESCOT ROAD, FORT, MUMBAI - 400001

O.A. 128/97

Dated this 13th day of February 1997.

CORAM : Hon'ble Shri B.S. Hegde, Member (J)

Shri S.S. Chinchalkar
residing at Block No. 11,
"Kanva Apartments"
Manik Bag, Vadgaon Budruk
Sinhagad Road
Pune - 411 041.

(By Advocate Shri V.H.
Kulkarni)

... Applicant

v/s

1. Union of India
Through its Secretary
Ministry of Defence
New Delhi 110 001.
2. The Adjutant General
Army Headquarters
DHQ - PO
New Delhi 110 011.
3. The Commandant
N.D.A.
Khadakwasala
Pune 411 023.

(By advocate - None)


... Respondents

ORDER

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

Heard Shri V.H. Kulkarni for the applicant. In this O.A., the applicant is seeking relief w.e.f. 1-1-1973 and stating that he should be placed in the scale of Rs. 260-400. The applicant has filed this O.A. after a lapse of 25 years. The applicant has retired from service from 1-1-1994. The application is hopelessly barred by time; therefore, the question of impugning the alleged letter issued by the Respondents

does not arise. Besides, the applicant has not taken any action after his retirement. In the circumstances, the O.A. is admitted and dismissed as barred by limitation.


(B.S. Hegde)
Member (J)

ssp.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

R.P.NO.54/97 in OA.NO.128/97

Dated this the 30th day of June, 1997.

CORAM: Hon'ble Shri B.S.Hegde, Member (J)

S.S.Chinchalkar
v/s.

... Applicant


Union of India & Ors.

... Respondents

Tribunal's Order

The applicant has filed review petition seeking review of the judgement dated 13.2.1997 in OA.NO.128/97. However, the applicant has retired from service from 1.1.1994. In this OA, he was seeking placement of the applicant in the scale of Rs.260-400 u.s.f. 1.1.1973. Therefore, the Tribunal after considering the rival contentions of the parties dismissed the OA, on the ground of want of jurisdiction and laches. The Administrative Tribunals Act, 1985 does not vest any power or authority in CAT to take cognizance of a grievance arising out of an order passed prior to 1.11.1982. Since the relief claimed by the applicant is much prior to that date, the Tribunal is saddled with the point of jurisdiction and also on the point of limitation. In the Review Petition, he has not brought out any new grounds and he is well aware that the scope of review is very limited. Even assuming it is fixation of pay, he should make out his grievance within a reasonable time. During the entire tenure, he did not claim the same, but only after retirement he approached the Tribunal.

2. In the result, I do not find any merit in the Review Petition and the same is dismissed.


(B.S. HEGDE)
MEMBER (J)