

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 542/98

Date of Decision: 15.2.1999

Shri R.K. Kalani Applicant.

Applicant in person. Advocate for
Applicant.

Versus

Union of India and others. Respondent(s)

Shri V.S. Masurkar. Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G. Vaidyanatha, Vice Chairman

Hon'ble Shri. D.S. Baweja, Member (A)

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

R.G. Vaidyanatha

(R.G. Vaidyanatha)
Vice Chairman

NS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, 'GULESTAN' BUILDING NO:6
PRESOT ROAD, MUMBAI:1

Original Application No. 542/98

Monday the 15th day of February 1999.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S.Baweja, Member (A)

R.K. Kalani
Building No.2,
Flat No.2-A,
Nandigram Co.op.Hsg.Soc.Ltd,
Gilbert Hill, Andheri (West)
Bombay.

... Applicant.

Applicant in person.

V/s.

Union of India through
The General Manager (E)
Western Railway, Churchgate
Bombay.

... Respondent.

By Advocate Shri V.S.Masurkar.

O R D E R (ORAL)

{ Per Shri Justice R.G.Vaidyanatha, Vice Chairman }

This is an application filed by the applicant claiming retrospective promotion from 8.4.1981 when his junior N.H. Mehta got promotion. The respondents have filed reply opposing the application. We have heard the applicant who appeared in person and Shri V.S.Masurkar, counsel for the respondents regarding admission.

2. Admittedly the applicant has been promoted sometime in 1986. He retired from service in 1987. Now in 1998 he has approached this Tribunal praying for retrospective promotion from 8.4.1981 when his junior N.H. Mehta got promotion.

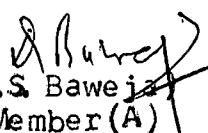
Now it is seen from the reply that N.H. Mehta was promoted on adhoc basis. The applicant cannot claim seniority over adhoc promotion and the applicant did not challenge the promotion of

N.H. Mehta from 1981 till he retired from service in 1987. He has taken 11 years to approach this Tribunal after retirement.

Merely sending repeated representations will not arrest limitation. The applicant's grievance is that one of his juniors approached Ahmedabad Bench and got the order in his favour. Even then the applicant has taken three years to approach this Tribunal.

In the facts and circumstances of the case the application is barred by limitation, besides delay and laches; in addition to this, even on merits the applicant cannot get retrospective promotion when his junior got the adhoc promotion and not regular promotion.

3. In the result the O.A. is rejected at the admission stage itself. No order as to costs.


(D.S. Bawej)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

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