

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 783/98.

Date of Decision: 12.03.1999.

S. B. Kamble,

Applicant.

Shri S. P. Inamdar,

Advocate for
Applicant.

Versus

Union Of India & Others,

Respondent(s)

Shri V. G. Rege,

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)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 783/98

Dated this Friday, the 12th day of March, 1999.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

S. B. Kamble,
Lower Division Clerk,
CGHS Dispensary,
Deonar,
Mumbai - 400 088.

... Applicant

(By Advocate Shri S. P. Inamdar)

VERSUS

1. Additional Director,
CGHS Scheme,
United India Building,
Sir P.M. Road, Fort,
Bombay - 400 001.

2. The Additional Director,
CGHS Scheme,
210-B, 1st Floor,
New Sadashiv Peth,
Poona - 411 030.

3. Director General of Health Services,
Nirman Bhawan,
Maulana Azad Road,
New Delhi - 110 011.

4. Union Health Secretary,
Ministry of Health and
Family Welfare,
Nirman Bhawan,
Maulana Azad Road,
New Delhi - 110 011.

... Respondents.

(By Advocate Shri V. G. Rege)

OPEN COURT ORDER

¶ PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN ¶

This is an application filed by the applicant
Challenging his reversion from Lab. Attendant to the


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o post of Nursing Assistant. Respondents' Counsel orally opposes the admission of the application on the ground of limitation, delay and laches. We have heard the Learned Counsels appearing on both sides.

2. On perusal of the allegations in the O.A. and the documents produced, we find that the applicant is aggrieved by the order of reversion dated 08.11.1978 under which he has been reverted from the post of Lab. Assistant to his previous post of Nursing Assistant. He has been promoted as Lab. Assistant just few months earlier on probation. Since it was found that his promotion was not by a D.P.C., the promotion came to be set aside and he was ordered to be reverted. Now the applicant has filed the present application in 1998 challenging his order of reversion issued in 1978. On the face of it, the application is not only barred by limitation but also hit by principles of delay and laches. Therefore, we do not find any merit in the application due to grounds of limitation, delay and laches. The applicant has filed M.P. No. 595/98 for condonation of delay. No reasons are given as to why there was delay of ^{Twenty} ~~two~~ years in filing the application except stating that applicant is a Class IV employee. No grounds, much less sufficient grounds, are given for condoning the ~~undue~~ ^{entire} and unexplained delay of twenty years. Hence, we find no merit in the M.P. for condonation of delay. The applicant has filed M.P. No. 792/98 for amendment of O.A. Since we have reached the conclusion that it is not a case of admitting the O.A. due to grounds of limitation, delay and laches, the M.P. for amendment does not survive.

3. In the result, the O.A. is rejected at the admission stage. M.P. No. 595/98 and 792/98 are also rejected.

~~(D. S. Bawali)~~

Member (A).

R. G. Vaidyanatha

(R. G. Vaidyanatha)

Vice-Chairman.

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