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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 839/92

F.A. No.

Dt. of Decision: 22.12.1992

B. Appa Rao

Petitioner

Mr. A. Krishna Murthy

Advocate for
the Petitioner
(s)

Versus

The Chief of Naval Staff, Head Quarters,
New Delhi and 2 others.

Respondent

Mr. N. R. Devraj

Advocate for
the Respondent
(s)

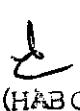
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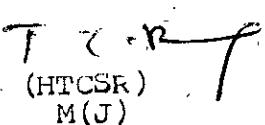
THE HON'BLE MR. A. B. GORTHI, MEMBER (ADMN.)

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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(HABG)
M(A)


(HTCSR)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.839/92

Date of Order: 22.12.1992

BETWEEN:

B.Appa Rao

.. Applicant.

A N D

1. The Chief of Naval Staff,
Head Quarters, New Delhi.
2. The Flag Officer Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam.
3. The Admiral Superintendent,
Naval Dock Yard,
Visakhapatnam-14.

.. Respondents.

Counsel for the Applicant

.. Mr.K.Venkateswarlu
for
Mr.A.Krishna Murthy

Counsel for the Respondents

.. Mr.N.R.Devraj.

CORAM:

HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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Shri
Gupta

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

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we have heard Mr. K. Venkateswarlu for Mr. A. Krishna Murthy, learned counsel for the applicant and Mr. N.R. Devraj, Standing Counsel for the respondents. As a short point is involved, the application is disposed of at the admission stage itself.

2. The applicant who has the I.T.I. certificate holder was sponsored by the Employment Exchange, Visakhapatnam for the post of Moulder ^{in response to} an advertisement issued by the respondents. Selection for the post was held in the year 1976 and it seems 7 candidates were selected including the applicant. 2 candidates were given appointment and the remaining 5 were kept in a panel. The contention of the applicant is that in the year 1978, 2 more persons namely Mr. M.V.B. Murthy and Mr. H.V. Ramana were appointed as Moulders in the respondents organisation. But the applicant was not considered for appointment. Thereafter, in the year 1990 he sent a legal notice to the respondents but without any success. Accordingly his prayer in this application is that a direction be given to the respondents to appoint the applicant as Moulder Grade-II on the basis of the selection held in the year 1978.

3. Sri N.R. Devraj took a preliminary objection on the ground that the application is hopelessly time barred. It is apparent that the selection was conducted in the year 1976 and even on the basis of the facts ^{averred} in the application, the cause of grievance, so far as the applicant is concerned, arose in the year 1978 when two other candidates were given appointment, but not the applicant. Although

this happened in the year 1978, the applicant choose not to proceed further in the matter till 1990 when legal notice was sent by him to the respondents.

4. From the facts stated above there can be no doubt that the applicant kept quite for a period of almost 12 years after 1978, when he should have really agitated this matter before the respondents. In view of this position and also the provisions of Section 21 of the Administrative Tribunals Act , 1985 we have no hesitation to conclude that this petition is barred by limitation. Accordingly it is dismissed. However, we make it clear that the respondents may consider the case of the applicant for appointment as Moulder Grade II in accordance with the letter dated 18.1.1978 should there be a vacancy existing in their organisation and should the applicant continue to be eligible for the said post.

There shall be no order as to costs.

transcript
(A.B.GORTALI)
Member (Admn.)

T. Chandrasekara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 22nd December, 1992

(Dictated in Open Court)

824/12
Deputy Registrar (J)

To

1. The Chief of Naval Staff,
Headquarters, New Delhi.
2. The Flag Officer, Commanding-in-Chief, Eastern Naval Command,
Visakhapatnam.
3. The Admiral Superintendent, Naval Dock Yard, Visakhapatnam-14.
4. One copy to Mr.A.Krishna Murthy, Advocate,
16-1-372, Saidabad, Hyderabad-659.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One spare copy.

pvm.

TYPED BY

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY

APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

A. B. Grofty
THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY : M(J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 22-12-1992

ORDER/JUDGMENT:

R.A./ C.A./M.A. No.

in

O.A. No.

839/92

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

