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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.387/93

dated : 30-8-96

Between

N.S. Murthy

: Applicant

and

1. Secretary
Dept. of Coal, Min. of Energy
Govt. of India
New Delhi 110001

2. The Chairman & Managing Director
Singareni Collieries Co. Ltd.
Kothagudem 507101

: Respondents

Counsel for the applicant

: C. Suryamarayana
Advocate

Counsel for the respondents

: N.V. Raghava Reddy
SC for Central Govt.

CORAM

HON. JUSTICE MR. B.C. SAKSENA, VICE CHAIRMAN (ALLAHABAD BENCH)

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATION)

Judgement

Oral order (per Hon. Justice Mr. B.C. Saksena, VC)

We have heard learned counsel for the applicant Sri C. Suryanarayana.

1. Relief prayed for by the applicant is for quashing of order dated 17-8-1992, Annexure-A.11 and declaring that the applicant cannot be subjected to any discrimination and that he is entitled to proforma or notional promotion retrospectively with effect from 1-7-1986 or atleast with effect from 30-9-1986 on par with Sri N.P. Singh and Sri A.S. Singh, Welfare Administrators, who had been appointed as Assistant Welfare Commissioners.

2. Learned counsel for the applicant states before us that the other relief is for a direction to the Respondents 2 and 3 to revise their orders of fitment of the applicant to the appropriate correspondence. The earlier part of the relief indicated for direction for a notional promotion retrospectively with effect from 1-7-1986 remains. Annexure A.11 is a letter in response to the representation dated 11.6.1992 made by the applicant regarding adhoc appointment as Assistant Welfare Commissioner in Coal Mines Labour Welfare Organisation, and age of superannuation in Singareni Collieries Co. Ltd. (SCCL). The representation made by the applicant was highly belated. It was made on 11-6-1992 and thus any reply thereto cannot be made a basis for filing the OA.

3. On behalf of the Respondent-2 counter affidavit have been filed which indicates that ~~similar~~ representation

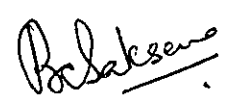
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made by the applicant on 1-8-1986 was rejected on 16-8-1987. The applicant as per the averments of the counter affidavit of Respondent-2, made another representation on the same cause of action on 23-11-1987. There is one another reason why we are not inclined to grant relief prayed for notional fixation. Since the applicant has given up the relief for a direction to Respondents 2 and 3 for revised fitment on the posts and during which he worked under Respondents 2 and 3 grant of the notional and proforma fixation will be wholly ineffective, since it cannot be followed up by any benefit to the applicant for the subsequent period of his working under Respondents 2 and 3.

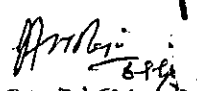
4. In view of these undisputed facts, we are satisfied that the objection raised by Respondent-2 about the OA being highly belated and barred by limitation has force.

5. The OA is accordingly dismissed as being barred by limitation.


(H. Rajendra Prasad)
Member (Admn.)


(B.C. Saksena)
Vice Chairman (A.L.B.)

Dated : August 30, 96
Dictated in Open Court


Dy. Registrar (S.)

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Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

Plm Mr. Justice B.C. Saxena, vc.

H. Rajendra pd.
THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 30/8/66

ORDER/JUDGEMENT

R.A./C.P./M.A.NO.

O.A.NO.

387/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLR

II COURT

