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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3262/2002

Monday, this the 16th day of December, 2002

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Ashok Kumar
Senior Audit Officer
Office of the Director General of Audit
Central Revenues, IP Estate
New Delhi-2

..Applicant

(By Advocate: Mrs. K.Iyyer)

Versus

1. Comptroller & Auditor General of India
Bahadur Shah Zafar Marg
New Delhi-2
2. The Director General of Audit
Central Revenues, IP Estate
New Delhi-2
3. Director (Admn.)
Office of the Director General of Audit
Central Revenues, IP Estate
New Delhi-2
4. Senior Audit Officer (Admn.)
Office of the Director General of Audit
Central Revenues, IP Estate
New Delhi-2
5. Shri Kuldeep Kumar Khanna
Senior Audit Officer
Office of the Director General of Audit
Central Revenues, IP Estate,
New Delhi-2

..Respondents

O R D E R (ORAL)

Shri Justice V.S.Aggarwal:

The applicant joined the office of the respondents as an Auditor. He was promoted to the post of Section Officer in 1982 and thereafter promoted as Assistant Audit Officer (Post Class-III). As per the gradation list, the applicant was not senior to respondent No.5. It is alleged that respondent No.5 had refused the promotion and as per the rules for one year,

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he could not have been so promoted. In violation of the same, when it was so done, the applicant had represented and the representation was rejected on 16.6.1999.

2. Keeping in view the above-said facts, we had put a question to the learned counsel for applicant about the delay in filing of the application or in other words, the present application being barred by time.


3. The answer forthcoming is that thereafter representations had been filed which had not been accepted and further that decision was rendered by this Tribunal in the case of Shri T.C.Gambhir Versus Controller & Audit General of India & Others in OA-2251/99 decided on 22.12.2000. In pursuance of the same, the applicant's learned counsel claims that a fresh right had accrued and his representation again had been so rejected.

4. The fact remains that the representation of the applicant was rejected on 16.6.1999. The period of limitation started running. Once the period of limitation starts running, necessarily, it would be extended only in accordance with certain well settled principles. We need not enunciate the same. None of those exceptions known to law had followed herein. The grievance of the applicant primarily is pertaining to the promotion of respondent No.5. In case of any other individual, if a view point has been taken, it will not extend the period of limitation.

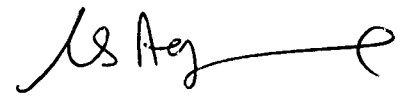
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5. Resultantly, the application is dismissed being
barred by time.


(S.A.T. Rizvi)
Member (A)

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(V.S. Aggarwal)
Chairman