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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1812/2002

Wednesday, this the 17th day of July, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

1. V.B.Panicker  
s/o Late K.Kesava Pillai  
Engineer-in-Chief's Branch  
Army HQ, Kashmir House  
New Delhi-11
2. S.P.Sharma  
s/o Late Ganga Ram Sharma  
Engineer-in-Chief's Branch  
Kashmir House  
Army Headquarters  
New Delhi-11

...Applicants

(By Advocate: Shri V.P.Sharma)

Versus

1. Union of India  
through the Secretary  
Ministry of Defence  
DHQ, PO, New Delhi-11
2. The Engineer-in-Chief  
Army Headquarters,  
Kashmir House, DHQ, PO  
New Delhi-11
3. College of Military Engineering  
EME PO  
Pune-31  
411031

...Respondents

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, VC (J):

We have heard Shri V.P.Sharma, learned counsel for applicants.

2. One of the main reliefs prayed for by the applicants in the present OA, as seen from paragraph 8 (iii), is as follows:-

"(iii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondent to declare the

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(2)

result of examination for promotion from the post of LDC to UDC held in the year Jan, 1973 and if the applicants declare passed, direct the respondents to grant all the consequential benefits, as applicants are entitled to be treated as promoted to the post of UDC since Jan.73 for all purposes."

3. To support the above relief, the applicants have prayed in para 8 (ii) that the impugned order dated 2.4.2002 (Annexure A-1) should be quashed and set aside. The impugned "order" is an internal correspondence between the concerned officers regarding the representations submitted by the applicants, UDC on which a note had been written dated 4.9.2001. The relevant portion of this letter reads as follows:-

"2. It has been intimated by CME Pune that result in respect of promotion even of LDC to UDC in MES conducted in Jan 73 is not held with them. In view of this, an action can be taken on the representation dated 30 Aug 2001 in respect of Shri V.B. Panicker, UDC. The applicant may please be informed accordingly."

4. Shri V.P.Sharma, learned counsel has relied on the judgement of the Hon'ble Supreme Court in Dilbagh Rai Jerry Vs. Union of India & Ors. (AIR 1974 SC 130). He submits that even though there is a delay in the present case of nearly 30 years since the cause of action had arisen regarding the test held by the respondents for the posts of LDC and UDC in the month of January, 1973, nevertheless, according to him, the respondents ought to have declared the same for which a direction is sought from this Tribunal. We have seen the judgement of the Hon'ble Supreme Court in Dilbagh Rai Jerry's case (supra). ~~and~~ That case will not assist the <sup>applicant's</sup> ~~facts~~ in the present

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(3)

case because nothing is stated in that case to warrant ~~admittedly~~ <sup>admittedly</sup> condoning the delay of nearly 30 years.

5. It is a settled law that this Tribunal cannot exercise jurisdiction on a matter which has arisen beyond 3 years immediately preceding the date of its institution, i.e., on 1.11.1982 under Section 21 (2) of the Administrative Tribunals Act, 1985. Section 21 also provides the limitation during which an Original Application can be made to this Tribunal for adjudication. These provisions cannot be given a go-by as contended by the learned counsel for applicants to re-open the matter of <sup>the</sup> result of an examination which was held as far back as January, 1973, about 30 years back.

6. Therefore, in the facts and circumstances of the case and having regard to the provisions of Section 21 of Administrative Tribunals Act, 1985, the OA is dismissed both on the grounds of limitation and jurisdiction.

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

  
(Mrs. Lakshmi Swaminathan)  
Vice Chairman (J)

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