

(9)

Central Administrative Tribunal
Principal Bench

O.A. No. 1881 of 2001

New Delhi, dated this the 6th February 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Vijay Pal,
S/o Shri Rati Ram,
R/o Vill. Dendha,
P.O. Murad Nagar,
Ghaziabad, U.P.
2. Sohanbir Singh,
S/o Shri Surender Pal,
R/o Vill. Dendha,
P.O. Murad Nagar,
Ghaziabad, U.P.

.. Applicants

(By Advocate: Shri U. Srivastava)

Versus

1. Union of India through
the Secretary,
Ministry of Defence Production,
New Delhi.
2. The Secretary,
Ordnance Factories Board,
10-A, Shahid Khudi Ram Bose Road,
Kolkata.
3. The General Manager,
Ordnance Factory,
Murad Nagar,
Ghaziabad, U.P.

.. Respondents

(By Advocate: Shri S.M. Arif)

ORDER

S.R. ADIGE, VC (A)

In this O.A. filed on 16.7.2001 applicants seek appointment in the light of the Tribunal's order dated 12.1.2001 in O.A. No. 2763/99 on the plea that they are similarly situated. Consequential benefits have also been prayed for.

2. Heard both sides.

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3. Respondents conducted recruitment for the post of Asst. Storekeeper in 1984-85 and applicants along with two others were interviewed and selected for the aforesaid posts. Respondents aver that the selections were made against anticipated vacancies during a period when there was a ban on recruitment, subjecting to lifting of the ban and the applicants and others were selected in the hope that the ban imposed by Government on 3.1.84 would be lifted after 30.9.84. Respondents admit that appointment offers were also made to applicants on 1.4.85 but subsequently upon indefinite extension of the ban being ordered, the appointment offer ^{was} withdrawn on 4.4.85.

4. Meanwhile one of the selected candidates Shri Ramesh Kumar (SC) filed O.A. No. 2613/90 against his non-appointment. That O.A. was disposed of by order dated 4.3.92 (Ann. A-2) with a direction to respondents to appoint him as Asst. Store Keeper or Store Keeper on the basis of the aforementioned selections as to when the ban orders were lifted, without putting him to any further process of selection.

5. Upon his not being given appointment till 1997 Shri Ramesh Kumar filed M.A. No. 930/96 in O.A. No. 2413/90 which was disposed of on 8.1.97 with a direction to respondents to take up the matter

with the Ministry for having the ban lifted in the case of this post and getting the ban lifted to process to make appointment for applicants.

6. However, when Shri Ramesh Kumar was still not appointed till 1999 he filed O.A. No. 2763/99 seeking a direction to appoint him as Store Keepers against an existing vacancy identified vide respondents' letter dated 6.9.99. That O.A. was disposed of by order dated 17.1.2001 with a direction to respondents to consider applicant's claim for appointment against the aforementioned post of Store Keeper in the background of the Tribunal's order dated 4.3.92 in O.A. No. 2613/90.

7. We are informed that pursuant to the aforesaid order dated 12.1.2001, Shri Ramesh Kumar has since been appointed as Store Keeper.

8. Taking a cue from that, applicants now have filed the present O.A. on 16.7.2001 seeking appointment.

9. Respondents have raised the preliminary objection that this O.A. is grossly time barred and hit by limitation u/s 21 A.T. Act in as much as applicants are seeking appointment in the year 2001 in regard to recruitments for the post of Store Keeper which was carried out 16 years previously in 1985. We entirely agree with the preliminary objection. While Shri Ramesh Kumar was pursuing his

case throughout, applicants were ^{silent} at least for over 16 years, and it is only when Shri Ramesh Kumar was granted appointment, that applicants filed the present O.A. Hence respondents' action in regard to Shri Ramesh Kumar's case (supra) does not extend the period of limitation in the present case.

10. The preliminary objection raised by respondents is sustained and the O.A. is dismissed on grounds of limitation. No costs.

A. Ve. lalavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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