

Central Administrative Tribunal, Principal Bench
New Delhi

(15)

O.A. No.418 of 2001

New Delhi this the 12th day of August 2002

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. M. P. Singh, Member (A)

Sh. Harikishan Joshi
s/o Shri B.D. Joshi
r/o H.No.45, Gali No.9,
Basti Tenka Wali,
Firozpur Cantt.,
Punjab.

- Applicant

(None for the applicant even on the second call)

Versus

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Union of India
through the Ministry of Railways,
Baroda House,
New Delhi.

- Respondents

(By Advocate : Shri Rajeev Bansal for Shri B.K. Agarwal)

ORDER (ORAL)

Mr. Kuldip Singh, Member (J)

Heard Shri Rajeev Bansal, learned proxy counsel
for the respondents.

2. The respondents have taken a preliminary
objection with regard to limitation and submitted that
the application is time barred. On perusal of the OA, it
shows that the applicant is claiming promotion w.e.f.
March, 1980.

3. The brief facts of the case are that the
applicant joined the Northern Railway on 27.10.1972 as a
helper /khalasi. Thereafter in the year 1980, the
applicant was given an option for promotion to the post



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of Painter and he had opted for promotion to the post of Painter as he was eligible to be promoted in the year 1980, but subsequently the applicant was not given promotion and Shri Mohan Lal junior to the applicant was promoted to the post of Painter in the year 1980 itself. The OA was filed on 23.1.2001 in the Registry and the Registry itself refused to entertain the same. Thereafter the applicant file an application No.396/2001 for condonation of delay. In the application of condonation of delay, the applicant submitted that he had made representation dated 12.7.2000, which was duly received by the respondents and since six months have passed no reply whatsoever received from the respondents the applicant has filed the OA under Section 19 of the Administrative Tribunals Act, 1985. In the application for condonation of delay, the applicant has also mentioned that soon after become entitled for the promotion in the year 1980, the applicant made numerous applications/representations to the respondents but to no avail. Since no one of such representation has been annexed with the present OA. We have decided to proceed in the matter in accordance with Rule 15 of CAT (Procedure) Rules, 1987 in absence of the applicant or his counsel.

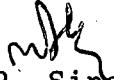
4. On perusal of the application of condonation of delay, it speaks only for the representation made on 12.7.2000 but we do not find any such representations, which as stated by the applicant filed to the respondents, on record. It is settled law that repeated representations do not extend the limitation period.

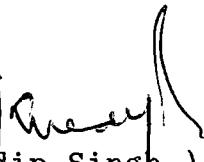




Moreover, it is not known when the applicant had earlier made representations to the respondents. Besides that the cause of action stated to have been arisen in the year 1980 and the Administrative Tribunals Act came into force only in the year 1985. The applicant should have file the application within the prescribed period in terms of AT Act, 1985. We find that the present OA is squarely hit by the law of limitation.

5. In view of the above discussion, the present OA is barred by limitation and is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

/ravi/