

-9-

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1943 of 1999

New Delhi, this 20th day of April, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastri, Member(A)

Arun Kumar
S/o Dr. Ramnath Prasad Singh
R/o D-532 Avantika, Rohini, Sector-1
New Delhi. ...Applicant

(By Shri Kumar Parimal, Advocate)

versus

1. Government of National Capital
Territory of Delhi
through its Chief Secretary
6 Shamnath Marg
Delhi-54.
2. Director of Education
Government of National Capital
Territory of Delhi
6 Shamnath Marg
Delhi-54. ...Respondents

(By Shri Vijay Pandita, Advocate)

Order (oral)

By Reddy, J.

Heard the learned counsel for the
applicant and the respondents.

2. This OA is hopelessly barred by
limitation.

3. The applicant is seeking to impugn the
action of the respondents in not appointing him
to the post of Trained Graduate Teacher (TGT for
short).

4. In pursuance of the advertisement issued
on 21.1.1997 inviting applications for



appointment to the posts of TGTs in the schools in N.C.T. Delhi, the respondents had completed the selection and published the select list in August 1997. As the applicant was not selected, he made a representation on 29.9.1997 against the selection made by ~~of~~ the respondents. As there was no reply, the applicant filed the present OA seeking the relief of appointment as TGT.

5. Thus in this case the adverse order was passed by the respondents in September 1997 and aggrieved by the said order the applicant has also made a representation. Hence, in our view, the limitation started in ~~August~~^{September} 1997 and the applicant could have waited only for six months after the said representation and should have filed the OA within one year thereafter. It is the contention of the learned counsel for the applicant that since no reply has been received the applicant has been making repeated representations.

6. It is settled law that repeated representations ~~would~~^{will} not prolong the period of limitation.

7. The applicant filed MA.539/2000 to condone the delay in filing the OA. It was stated in the said application that the respondents have been assuring him and the

COR

applicant himself personally visited the office of the respondents and the respondents issued oral instructions to the applicant to bring a certificate regarding the validity of Employment Registration Card by the M.C.D. and its validity up to 31.12.1996. In pursuance of the said oral instructions the applicant submitted the certificate on 20.3.1998. But even after several visits by the applicant to the office of the respondents, no action has been taken by the respondents. The above reasons given by the applicant appears to be very vague and are not satisfactory. Learned counsel for the applicant relies upon a judgement of the Tribunal in OA.1441/98 dated 27.8.1999 which was also filed aggrieved by the advertisement dated 21.1.1997, hence identical to the facts of the present case. But the said case was filed in 1998 within the period of limitation and hence ^{the question of limitation was} not raised, hence the above decision cannot be a precedent to be followed in this case as regards the question of limitation. The MA is, therefore, without substance and is accordingly dismissed.

8. Consequently the OA also is dismissed, at the admission stage, as it is barred by limitation under Section 21 of the Administrative Tribunal's Act. No costs.

Shanta Shastri
(Mrs. Shanta Shastri)
Member(A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice Chairman(J)