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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2117/99
New Delhi this the 12th day of October 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mrs Shanta Shastry, Member (A)

Shri G.D. Joshi
S/o late Shri K.D. Joshi
R/o 135, Kilokari, Maharani Bagh,
New Delhi-110014.

...Applicant

(By Advocate: Shri R.V. Sinha)

Versus

1. The Regional Passport Office,
HUDCOTRICOOT-3,
Bhikaji Cama Place, R.K. Puram,
New Delhi-110066.
2. The Joint Secretary (CPV) and
Chief Passport Officer,
Ministry of External Affairs,
Patiala House, Tilak Marg,
New Delhi-110001.
3. Union of India,
Ministry of External Affairs,
South Block, New Delhi.
4. Shri Deen Dayal Silswal, LDC,
Regional Passport Office,
HUDCOTRICOOT-3,
Bhikaji Cama Place,
R.K. Puram.
New Delhi-110066.

...Respondents

ORDER (Oral)

By Reddy, J.-

Heard the counsel for applicant.

2. The grievance of the applicant is that he should have been promoted to the post of LDC in 1980 but he was not so promoted and he was only promoted on 3.7.84. It is the case of the applicant that he has been making representations to the respondents No. 1 to 3 to consider his case for promotion as LDC vide his letter dated 16.4.82 and thereafter but the respondents have neither replied nor promoted the applicant. It is also

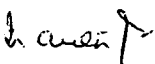


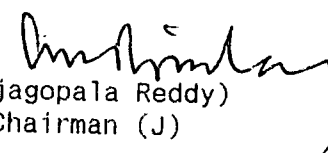
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the case of the applicant that Respondent No. 4 was promoted in 1980 who was only a casual worker with the respondents. It is, however, the case of the applicant that the respondents passed an order dated 27.5.99 with reference to his representation dated 26.4.99 rejecting the said representations and stating that the applicant was not entitled for promotion as claimed w.e.f. 1984 and that R-4 was in the select list of candidates recommended for appointment as Daily rated Clerks and later he was regularised as LDC when the vacancy arose.

3. The cause of action arose in 1980 when respondents have denied the promotion of the applicant and another person R-4 was promoted. Even if the applicant has been representing against the action of the respondents in not promoting him and finally the impugned order was passed considering the representation made on 26.4.99, the claim of the applicant is barred by limitation under Section-21 of the Administrative Tribunals Act. As stated in a catena of cases by the Supreme Court, the repeated representations would not prolong the limitation, nor the disposal of the representation made after the period of limitation was expired, would give a fresh cause of action to the claim which has already been barred by limitation.

4. The OA is, therefore, dismissed at the admission stage, on the ground of limitation.


(Mrs. Shanta Shastri)
Member (A)


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

cc.