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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 534/1999

New Delhi this the 16th day of September, 1999

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

M.C. Sharma,
Chief Departmental Representative,
Customs, Excise and Gold (Control)
Appellate Tribunal, West Block 2,
R.K. Puram, New Delhi.

..Applicant

(Applicant present in person)

Versus

1. Union of India through Secretary
(Revenue), Ministry of Finance,
Department of Revenue, North
Block, New Delhi-1

2. Director,
Central Bureau of Investigation,
Block No. 3, CGO Complex,
Lodi Road, New Delhi.

..Respondents

(By Advocate Shri P.H. Ramchandani, Learned
Senior counsel with Sh. R.V. Sinha)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The grievance of the applicant in this application is that the respondents have not taken proper action in spite of inordinate delay in the matter of considering his case for ad hoc promotion to the grade of Principal Commissioner of Customs and Central Excise in terms of the Department of Personnel OM dated 14.9.1992.

2. In paragraph 8(1) of the OA, the applicant has sought relief in the form of a direction to Respondent 1 to dispose of his application dated 27.2.1997 addressed to the Hon'ble Finance Minister in a time bound manner. He has also submitted in sub-para (2) of para 8 of the OA that Respondent 1 should be directed to objectively examine the case of the applicant in terms of Department of Personnel OM dated 14.9.92 as three years have since ~~been~~ elapsed.

3. Shri R.V. Sinha, learned counsel for the respondents has submitted that on the face of it, this application is highly

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time barred under Section 21 of the Administrative Tribunals Act, 1985. He has submitted that there is not even an MA for condonation of delay. He submits that the applicant had filed representation as back as 14.7.95 followed by a number of reminders, including the representation dated 27.2.97 against which this OA has been filed on 9.3.1999. The learned counsel has, therefore, submitted that no directions as prayed for by the applicant in para 8 can be granted as it would amount to condonation of the delay.

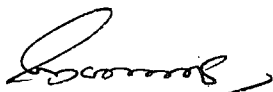
4. We find force in the submissions made by the learned counsel for the respondents. It is settled law that repeated representations do not extend the period of limitation (See the judgement of Hon'ble Supreme Court in S.S. Rathore Vs. State of M.P. (AIR 1990 SC 10) and State of Punjab Vs. Gurdev Singh (1991 (17) ATC 287)). In this case, admittedly the applicant had made his representation as far back as on 27.2.1997 in which he seeks a direction ^{from} this Tribunal which is, therefore, highly belated under the provisions of Section 21 of the Administrative Tribunals Act, 1985. Further, it is also noticed that in the OA itself, the applicant has stated that he had made a number of representations which have been followed by reminders which cannot ^{in any case} extend the period of limitation. The applicant has submitted that he had received the rejection letter from the respondents way back in 1996. His contention is, ~~therefore~~, that the respondents ought to have reviewed his case in terms of the Department of Personnel OM dated 14.9.1992.

5. In the facts and circumstances of the case given above, this OA is not maintainable as it suffers from laches and delay and is barred by ^{the} law of limitation. Accordingly OA is dismissed on this ground. However, noting the submissions

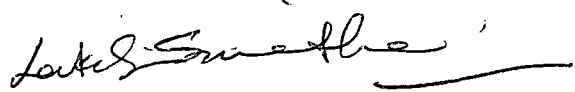
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made by the applicant himself, the dismissal of the OA will not be a bar for the respondents to consider his case in accordance with the relevant Rules and instructions, including the Department of personnel OM dated 14.9.92. No order as to costs.



(S.P. Biswas)
Member(A)



(Smt. Lakshmi Swaminathan)
Member(J)

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