

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O. A. No. 132/98

New Delhi: this the 6<sup>th</sup> day of APRIL, 1999. (20)

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. T. N. BHAT, MEMBER (J)

Smt. Vimal Kant,  
W/o Shri Sukh Dev Matkan,  
R/o G-2/334, Janakpuri,  
New Delhi-58

..... Applicant.

(By Advocate: Shri J. C. Madan)

Versus

1. Govt. of NCT of Delhi  
through its Chief Secretary,  
5, Shan Nath Marg,  
Delhi.

2. Director of Education,  
Govt. of NCT of Delhi,  
Old Secretariat,  
Delhi

..... Respondents.

(By Advocate: Shri Vijay Pandita).

ORDER

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' orders dated 8.9.92 (Annexure-A1) and seeks a direction to respondents to convene a review DPC to consider the case for promotion from TGT to PGT, to Vice Principal, to Education Officer and to Deputy Director of Education with effect from the dates her juniors were so promoted, with all consequential benefits including arrears and interest.

2. Heard both sides.


3. Respondents' counsel has taken the preliminary objection of the OA being severely time barred and hit by limitation under section 21 A.T. Act.

4. Applicant's counsel invites attention to MA No. 109/98 filed praying for condonation of delay. In that MA, it has been contended that applicant had been sending representations to respondents and acknowledgements had been received only in mid 1997. It has also been contended that applicant's cause of action is a continuing one. (21)

5. We are unable to accept either of these reasons for condonation of delay. If applicant had any grievance against impugned order dated 8.9.92, she should, after exhausting the departmental remedies available to her, have approached the Tribunal within the period prescribed under section 21 A.T. Act. She did not do so. Repeated representations do not enlarge the period of limitation as has been held by the Hon'ble Supreme Court in S.S. Rathore Vs. State of M.P AIR 1990 SC 10 and furthermore the materials on record filed by applicant do not satisfactorily explain each day of the delay in filing the OA. The Hon'ble Supreme Court in UOI Vs. R. C. Samanta J.T. 1993 (3) SC 418 has held that delay deprives the litigant of the remedy available and when the remedy is lost, the right is lost. Nor is applicant's contention correct that the impugned order dated 8.9.92 gives her a continuing cause of action. The aforesaid order dated 8.9.92 specifically retired applicant under the provisions of F.R 56 J and the period of limitation has to be calculated from that date.

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6. Under the circumstance, the preliminary objection of limitation raised by respondents are sustained and the OA is dismissed. No costs. 22

  
( T.N. BHAT )  
MEMBER(J)

  
( S.R. ADIGE )  
VICE CHAIRMAN (A).

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