

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 979/98

New Delhi this the 20 Day of May 1998

Hon'ble Shri Justice K.M. Agarwal, Chairman
Hon'ble Shri R.K. Ahooja, Member (A)

M.K. Gain,
Draftman, DNAI,
Naval Headquarters,
West Block 5,
R.K. Puram,
New Delhi-110 066.

Petitioner

(By Advocate: Shri Hori Lal)

-Versus-

1. Union of India, through,
The Chief Administrative Officer,
Ministry of Defence,
New Delhi-110 011.
2. The Chief of the Naval Staff,
Naval Headquarters,
South Block,
New Delhi-110 011.
3. The Deputy Director (Civil Personnel),
Naval Headquarters,
Sena Bhawan,
New Delhi-10 011.

Respondents

ORDER

Hon'ble Shri R.K. Ahooja, Member (A)

Briefly stated the case of the applicant is that while working in the Naval Dock Yard, Vishakhapatnam, he applied for and was selected to the reserved post of foreman and an appointment letter dated 20.6.1988 was also given to him. However, when he went to assume charge he suddenly received the impugned letter dated 28.6.1988 cancelling his appointment without any valid reason. He gave a representation to the Commissioner for SC/ST and latter to the National Commission for SC/ST but no reply was given. He also sent same representations to the Union Defence Minister and finally on 4.5.1995 a reply was given stating that two candidates belonging to SC had been

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selected, of which the applicant was one, but as only one vacancy was released for direct recruitment, the applicant could not be accommodated.

(3)

2. We have heard the learned counsel on the question of limitation. The learned counsel Shri Hori Lal submitted that the applicant had been making repeated representations and a reply has been given in June 1997 finally rejecting his case. On that basis he claimed that the cause of action has arisen with the letter of 18.6.1997.

3. We have perused the letter in question which reads as follows:

" 1. Please refer to your representation dated 28 Apr 96 and 8 Jul 96.

2. The matter raised in your representations quoted above was examined at this HQ in the past and you were informed of the position vide this HQ letter of even number dated 04 May 96. Since no new point have been brought out there is no change in the position as intimated already. As such no useful purpose will be served by sending representation again and again."

4. It is clear from the above that the applicant is being informed only of the decision already taken in the past and already intimated to the applicant. We find here no fresh consideration or decision on merit of the case of the applicant. It is customary for the Government departments, in the interest of public relations, to acknowledge or send an intimation that the matter already stands decided. That does not mean that the issue has been re-opened and re-examined on merits. The applicant's cause of action arose way back in 1988 when the offer of appointment was made to him was cancelled. It has taken him now 10 years to approach the Tribunal for relief. The

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Hon'ble Supreme Court has already held in S.S. Rathore Vs. State of M.P. AIR 1990 SC 10^{that} repeated unsuccessful representations not provided by law do not enlarge the period of limitation. In the case of State of Haryana Vs. Ms. Ajay Walia JT 1997(6) SC 592 it was held by the Hon'ble Supreme Court that when a selection was made in 1982 and Writ Petition came to be filed in 1995 it was a case of an inordinate delay and the High Court was wholly unjustified to have entertained and allowed the Writ Petition.

5. We therefore find that the present OA has to be summarily dismissed at the very threshold because of the delay and limitation. It is accordingly so ordered.

KM

(K.M. Agarwal)
Chairman

R.K. Ahuja
(R.K. Ahuja)
Member

Mittal