

7

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.570/95

New Delhi: this the 8th APRIL, 1996.

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

HON'BLE DR.A.VEDAVALLI, MEMBER(J)

D.N.Punia,
Asstt.Mechanical Engineer/Diesel,
Northern Railway Diesel Shed,
Mughal Sarai,
By Advocate Shri M.L.SharmaApplicant.

Versus

Union of India through

1. Secretary,
Ministry of Railways
(Railway Board), Rail Bhawan,
New Delhi.
 2. General Manager,
Northern Railway Headquarters Office,
Baroda House,
New Delhi.
 3. Chief Personnel Officer,
Northern Railway Headquarters Office,
Baroda House,
New Delhi.Respondents.
- By Advocate Shri B.K.Agarwal.

JUDGMENT

By Hon'ble Mr. S.R.Adige, Member (A).

We have heard Shri M.L.Sharma for the
applicant and Shri B.K.Agarwal for the respondents.

2. In so far as the applicant's prayer for
interpolation of his name in the panel dated 12.10.76
of Electrical Foreman (Grade Rs.700-900) and consequent
promotion as such w.e.f. 30.11.76 is concerned, we
note that OA is severely barred by limitation and
lack of jurisdiction. Under Section 21(c) A.T. Act the
Tribunal has jurisdiction in respect of only those
matters, where the cause of action arose within

A

8

- 2 -

3 years prior to the inception of the Tribunal. As the Tribunal was set up on 1.11.85 the cause of action should have arisen after 1.11.82. In the present case the cause of action arose in 1976. The applicant claims that the cause of action arose consequent to the rejection of his representation vide letter dated 18.7.94, but in actual fact the applicant's cause of action arose consequent to his non-empanelment in 1976, to which he filed his first representation followed by subsequent representations. In this connection it is settled in S.S.Rathore Vs. State of M.P. AIR 1990 SC 10^{interalia} that cause of action shall be taken to arise on the date of the order of the higher authority disposing of the appeal or representation. Where no such order is made within 6 months after making such appeal or representation, the cause of action would arise from the date of expiry of 6 months. Repeated unsuccessful representations as provided by law do not enlarge the period of limitation. It was further held that repeated representations, and memorials to the President etc. do not extend limitation.

3. In the present case, the applicant claims to have filed a number of representations, but without result. If he received no reply to his first representation consequent to his non-empanelment in 1976, it was open to him to have approached the appropriate legal forum then itself, but he did not do so. The respondents' letter dated 18.7.94 rejecting his most recent representation, does not give him a cause of action in respect of his grievance which relates to his non-empanelment in 1976.

12

9

- 3 -

This great delay in approaching the competent legal forum is unexplained, and not even has a petition for condonation of delay been filed.

4. Under the circumstance, this OA is dismissed for lack of jurisdiction. No costs.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
MEMBER (A).

/ug/