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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.987/95

NEW DELHI THIS THE 1ST DAY OF JUNE 1995.

MR.JUSTICE S.C.MATHUR, CHAIRMAN
MR.P.T.THIRUVENGADAM, MEMBER(A)

Sh.N.J.Singh
R/O 24/63-B, Tilak Nagar
New Delhi-110018. APPLICANT
(BY ADVOCATE SHRI D.S.MAHENDRU)

vs.

Union of India, through

1. Secretary to the Govt.of India
& Director General C.S.I.R
Rafi Marg, New Delhi.
2. Joint Secretary(Admn.), C.S.I.R
Rafi Marg
New Delhi.
3. Deputy Secretary(C.O.)
C.S.I.R
Rafi Marg,
New Delhi.
4. Under Secretary(C.O.)
C.S.I.R
Rafi Marg
New Delhi. RESPONDENTS

ORDER(ORAL)

JUSTICE S.C.MATHUR:

The applicant seeks quashing of the order dated 1.1.1986 whereby two officers of the department in which he was working were promoted to the post of Under Secretary. The applicant's plea is that he was senior to one of them and, therefore, instead of the junior person he was entitled to be promoted and should have been promoted. The cause of action, therefore, accrued to the applicant on 1.1.1986. The applicant retired from service with effect from 30.11.1992. Before his retirement from service, he did not approach any court or tribunal. The first approach has been made by the applicant through the instant OA which was filed on 23.5.1995. The learned counsel claims extension of limitation on the basis of the representations made by the applicant on 12.3.1986, 8.7.1988, 24.2.1993 and 16.8.1993. The applicant's representation dated 24.2.1993 was rejected

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and the rejection was communicated to him through letter dated 13.5.1993. The period of limitation prescribed in the Administrative Tribunals Act, 1985 (for short, the Act) is one year from the date of accrual of cause of action. If the representation is made before the expiry of the period of limitation, six months' additional time is available. Even if we extend the time for reckoning the limitation to 13.5.1993, the present application is beyond the period of limitation prescribed under Section 21 of the Act. The learned counsel points out that after the rejection of the representation by order dated 13.5.1993,

the applicant preferred further representation on 16.8.1993 to the Head of the Department which was rejected by order dated 26.5.1994. The learned counsel claims limitation from this date. Submission of repeated representations cannot extend the period of limitation. It is not the case of the applicant that the representation dated 16.8.1993 was made under any statutory provision. For this reason also this representation will have no effect on the bar of limitation prescribed under the Act.

2. The learned counsel for the applicant has, however, submitted that the representation dated 16.8.1993 was made to the Director General (Head of the Department) and, therefore, it stands on different pedestal. The submission of the learned counsel is misconceived. The earlier representation dated 24.2.1993 was also addressed to the Director General (Head of the Department). Therefore, two representations were addressed to the same authority. Merely because the reply dated 13.5.1993 was signed by the Deputy Secretary, it cannot be stated that the rejection was ^{not} made by the Head of the Department. The letter dated 13.5.1993 only communicates the decision of the Head of the Department.

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3. In view of the above, the application is dismissed in limine as barred by limitation.

P.J. 20

(P.T. THIRUVENGADAM)
MEMBER (A)



(S.C. MATHUR)
CHAIRMAN

SNS