

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 2148/96

13

New Delhi this the 23rd day of March, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN
HON'BLE MRS. SHANTA SHAstry, MEMBER (ADMNV)

Shri Niranjan Singh,
S/o Shri Mohinder Singh,
R/o C2-B/94-B,
Janakpuri,
New Delhi 110 058.

...Applicant

(Applicant in person)

-Versus-

Union of India through:

1. The General Manager,
South Eastern Railway,
Garden Reach,
Calcutta-43.

2. The General Manager,
Railway Electrification,
Allahabad.

3. The Deputy Chief Project Manager,
Railway Electrification,
Bhopal.

...Respondents

(By Advocate Shri Rajeev Sharma, though none appeared)

O R D E R (ORAL)

By Reddy, J.:-

Heard the applicant in person. His counsel is, however, not present. The respondents are not present either in person or through counsel. Since the matter is of 1996, we have proceeded to dispose of the case on merits.

2. The applicant seeks the relief of fixation of his pay in the senior scale post in the grade of Rs.3000-4500 w.e.f. 11.5.88 with all consequential benefits.

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3. It is his case that his junior has been promoted to the senior scale on 11.5.88 but the Railway Administration ignored the applicant and he was promoted only on 12.5.89. It is stated that he made representation against the illegal promotion of his junior but there was no reply from the respondents.

4. The respondents have taken the plea that the OA is barred by limitation. The respondents also justify their action in not giving promotion to the applicant when his junior Sh. S.N. Garg was promoted on 14.9.88.

5. We have carefully perused the pleadings and the points raised in the OA. The only allegation in the case is that the applicant has not been promoted on 14.9.88, though his junior was promoted on the said date to the senior scale. It is stated by the applicant that though he has submitted several representations the respondents have not replied to them. He has now retired from service and that as his pension was also not properly fixed he came to this court in 1996. He filed an application for condonation of delay, stating that he is suffering from recurring financial loss because his pension and allowances were not being properly fixed. He relies upon M.R. Gupta v. Union of India, 1995 (5) SCALE 29 in support of his contention that the OA is not barred by limitation.

6. The grievance of the applicant being the illegal promotion of his junior in ¹⁹⁸⁹ ~~1998~~, the adverse order against the applicant having been passed on the said date the applicant should have filed the OA within the period

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of limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985. The ratio of M.R. Gupta's case (supra) has no application to the facts of the case, as the promotion of the junior to the applicant is one time cause of action. Hence the period of limitation started on the date when his junior was promoted. Repeated representations made by the applicant will not prolong the period of limitation. In fact the representation made by the applicant on 5.10.89 has been rejected by letter dated 24.10.89.

7. In view of the aforesaid circumstances we are of the view that the OA is hopelessly barred by limitation and is accordingly dismissed. No costs.

Shanta Shastry
(Smt. Shanta Shastry)
Member (Admnv)

Chandragopal Reddy
(V.Rajagopala Reddy)
Vice-Chairman (J)

'San.'