

(7)

Central Administrative Tribunal, Principal Bench

Original Application No.1000 of 1996

New Delhi, this the 6th day of July, 2000

Hon'ble Mr.Justice Ashok Agarwal Chairman
Hon'ble Mr.V.K.Majotra, Member (Admnv)

Shri Prem Raj (MES-365854), S/o Late Ram
Swaroop, Aged about 54 years, R/o-50,
Kamruddin Nagar, Nangloi, New Delhi-41,
Working as Fitter Pipe (SK) in the Office of
Garrison Engineer, Subroto Park, Delhi
Cantt-10. - Applicant

(By Advocate Shri A.K.Trivedi)

Versus

1. Union of India through its Secretary Min. of Defence, South Block, New Delhi.
2. Commander Works Engineer (AF) Palam, Delhi Cantt-10.
3. Chief Engineer, Air Force (WAC), Jallandhar Cantt.
4. Garrison Engineer, Subroto Park, Delhi Cantt-10.
5. Sri Dev Raj (MES-357217) HS Gde-II, C/o AGE E/M-II, Subroto Park, Delhi Cantt-10. - Respondents

(By Advocate Mrs.Meera Chhibber)

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

The applicant in the present O.A. which has been filed on 14th May, 1996 is seeking promotion which, according to the applicant, was due to him way back on the 15th October, 1984. He further seeks a direction that promotion granted to respondent 5 which, according to the applicant, has been granted in 1987, be declared as illegal. We find that the ~~same~~ ^{prayers} cannot be entertained in the present belatedly filed O.A. Present O.A. is hopelessly barred by limitation.

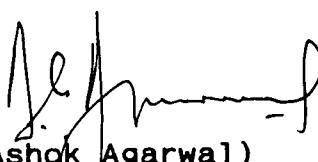
2. The bar of limitation cannot over come by the belated representation made by the applicant as on 21.4.1992 at Annexure-E. The Supreme Court in the case of S.S.Rathor Vs. State of M.P., AIR 1990 SC 10 has

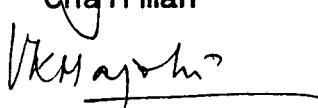
inter alia held, repeated unsuccessful representations not provided by law do not enlarge the period of limitation.

The Supreme Court in *Jai Dev Gupta Vs. State of Himachal Pradesh & another*, 1999 (1) SLJ 110 had, on placing reliance on its earlier decision in the case of *Administrator of Union Territory of Daman and Diu & others Vs. R.D. Valand*, 1995 Supp (4) SCC 593, reiterated the aforesaid observation.

3. In the case of *Ex.Capt.Harish Uppal Vs. Union of India & others*, JT 1994 (3) SC 126 the Supreme Court has observed that the parties should pursue their rights and remedies promptly and not sleep over their rights. If they choose to sleep over their rights and remedies for an inordinate long time, the court may well choose to decline to interfere in its discretionary jurisdiction under Article 226 of the Constitution of India.

4. If one has regard to aforesaid decisions ~~and a~~ ^{as also} catena of other decisions, taking the aforesaid views, we hold that no interference is called for in the present OA. The same is accordingly dismissed, however, without any order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (Admnv)