

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 593/94

New Delhi this the 2nd day of August, 1999
Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri S.P. Biswas, Member (J)

1A

In the matter of

Shri Narendra Kumar Saxena,
Tech. Assistant
in the Dte. of Economics and
Statistics, M/O Agriculture,
Department of Agriculture and
Cooperation, Krishi Bhawan,
New Delhi, resident of 16/445,
Lodhi Colony, New Delhi.

..Applicant

(None for the applicant)

Versus

1. Secretary,
Ministry of Agriculture,
Department of Agriculture and
Cooperation, Krishi Bhawan,
New Delhi.

2. Economic & Statistical Adviser,
Ministry of Agriculture,
Department of Agriculture &
Statistics, Room No. 152,
Krishi Bhawan, New Delhi.

..Respondents

(None for the respondents)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

None has appeared for the parties, even on the
second call. We have carefully perused the pleadings on
record.

2. The applicant is aggrieved by the seniority list
of Technical Assistant issued by the respondents on 21.1.93.
He has submitted that his seniority has been fixed from the
date of regularisation i.e. 1.11.1983 and his name was shown
at serial No. 80 whereas he claims that his seniority ought
to have been fixed from the date of his promotion in the
post of Technical Assistant in the Directorate concerned
w.e.f. 15.9.75 and not from 1.11.1983 for the sake of
promotion and other benefits.

3. We note from the impugned seniority list which was

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circulated by letter dated 21.1.93 that the applicant is shown to have been appointed in the grade, date of confirmation in the grade as 1.11.1983 against the post of Technical Assistant. ~~Applicant~~ ^{Applicant} ~~has~~ ^{has} submitted that the seniority list has been based on his seniority calculated from 1.11.1983 i.e. from the date of regularisation.

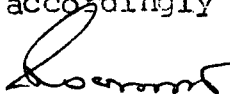
4. Official respondents in their reply have taken a belated and is preliminary objection that the OA is barred by limitation under the provisions of Section 21 of the Administrative Tribunals Act, 1985.


5. We find substance in the plea of the respondents on the preliminary objections. From the facts mentioned above, it is seen that what the applicant is seeking in this OA is that the order dated 21.12.1988 should be quashed and set aside. This O.A. has been filed on 13.12.1993 i.e. almost 5 years after the impugned order was passed. From the facts narrated by the applicant himself it is further seen that what has been stated in the seniority list on 21.1.1993 ^{is} ~~which~~ had already come to the notice of the applicant in the impugned order dated 22.12.1988. In this order, the respondents have stated that the DPC of Group 'C' in the Directorate of Economics and Statistics keeping in view the judgement of CAT had recommended the appointment of certain Technical Assistants/ Market Intelligence Inspectors on regular basis from the dates shown against their names. We find that the applicant's name figures at Serial No.5 and his designation is given as Technical Assistant and the date of regular appointment given as 1.11.1983. In the circumstances, the claim of the applicant that he should have been ~~is~~ shown to be promoted to the post of Technical Assistant w.e.f. 15.9.1975 i.e. from the date of initial promotion and not from the date of regularisation should have been raised by the applicant in the appropriate judicial forum well in time ^{to} ~~within~~ the period of limitation as provided under Section 21 of the Administrative Tribunal Act 1985. The applicant has failed to do so and based on these very facts, the applicant has filed OA in 1994 after the

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seniority list of Technical Assistants was issued on 21.1.93 which is also stated to be in compliance of the Tribunal's judgement. We further note that the applicant has also not filed any MA for condonation of delay. In the rejoinder also he has not given any grounds to justify the delay of about five years in filing this OA. We also note from the letter dated 25.9.92 (Ann.B.2) that the applicant had made a representation to the respondents followed by several reminders in 1993. It is well settled law that repeated representations will not extend the cause of action which in this case has arisen as far back as on 22.12.1988. (See the judgements of the Hon'ble Supreme Court in S.S. Rathore Vs. State of M.P. (AIR 1990 SC 10), Bhoop Singh Vs. UOI (JT 1992 (3) SC 322), State of Punjab Vs. Gurdev Singh (1991 (17) ATC 281) and UOI Vs. Ratan Chander Samants (JT 1993 (3) SC 418). Apart from that, as mentioned above, there is not even an MA for condonation of delay and therefore, this OA is liable to be dismissed on this ground alone as barred by limitation. It is no-where stated by the applicant when he became aware of the impugned order dated 22.12.1988 by which he is aggrieved that his date of regularisation for the post of Technical Assistant has been made on 1.11.1983 instead of 15.9.75. Looked at from any angle we find that this application suffers from laches and delay and is hopelessly time barred.

6. For the reasons given above, application fails and it is accordingly dismissed. No order as to costs.


(S.P. Biswas)
Member (A).


(Smt. Lakshmi Swaminathan)
Member (J)

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