

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

16

O.A.No.1049/94

New Delhi: this the 30th day of August, 1999.

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

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri B.P. Gautam,
Ex. Junior Inspector (Tickets),
Northern Railway,
Tundla.

..... Applicant

(By Advocate: Shri B.S. Mainee)

Versus

Union of India

through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway Manager,
Northern Railway,
Allahabad.

..... Respondents.

(None appeared).

ORDER

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

Heard Shri Mainee for applicant. None appeared for respondents.

2. Applicant's viva voce test was fixed on 25.9.90, and he knew that his promotion depended upon his appearing in the same. He also knew that he was to superannuate on 30.5.91. There is no averment in the OA that applicant made any effort to appear for the interview even after remaining sick from 8.8.90 till 30.5.91. If participation in the interview was a necessary condition for promotion, and applicant could not participate in the interview owing to sickness, it gives him no enforceable legal right to compel respondents to promote him without

participation in the interview.

(A)

3. Moreover applicant's representation addressed to DRM was replied to by respondents vide letter dated 27.11.92, referred to in impugned letter dated 3.1.92. It was open to applicant to have approached the Tribunal against the letter dated 27.11.92, but he did not do so. Instead he submitted another representation, this time addressed to G.M. after another gap of nearly 4 months, which was replied to by impugned letter dated 3.1.94. It is well settled in S.S. Rathore Vs. State of U.P. AIR 1990 SC 10 that repeated unsuccessful representations not provided by law (such as the present one) do not enlarge the period of limitation. In applicant's case it would run atleast from 27.11.92, but this OA was filed on 17.5.94 and is therefore hit by limitation under the relevant provisions of the A.T. Act.

4. The OA is therefore dismissed. No costs.

Kuldeep
(KULDIP SINGH)

MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN(A).

/ug/