

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

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D.A. No. 159 of 1994

M.A. No. 177 of 1994

Date of decision: 24th January 1994

Hon'ble Shri J. P. Sharma, M(J)

Hon'ble Shri B. K. Singh, M(A)

1. Shri V. K. Gupta, Accountant)
2. Shri B. S. Sharma, Assistant)
3. Shri Raj Kumar Manuja, Assistant) .. Applicants
4. Shri G. D. Talwar, Assistant)
5. Shri Ram Kanwar, Assistant)
6. Shri M. L. Narang, Assistant)

All working in the Ministry of
Parliamentary Affairs, New Delhi.

Address:

C/o Shri V. P. Gupta
Advocate
C-1/5, Lajpat Nagar
NEW DELHI-110 024.

By Advocate Shri V. P. Gupta

Vs.

Union of India, through

1. Secretary
Ministry of Parliamentary Affairs
New Delhi.
2. Deputy Secretary (Admn)
Ministry of Parliamentary Affairs
New Delhi.
3. Under Secretary (Admn)
Ministry of Parliamentary Affairs
New Delhi.
4. Section Officer (Admn)
Ministry of Parliamentary Affairs
New Delhi.
5. Shri M.S. Chopra, Section Officer
Ministry of Parliamentary Affairs
New Delhi.
6. Shri Dharam Pal, Section Officer
Ministry of Parliamentary Affairs
New Delhi.
7. Shri Joseph Zakaria, Research Assistant
Ministry of Parliamentary Affairs
New Delhi.
8. Shri R. C. Mohanty, Research Assistant
Ministry of Parliamentary Affairs
New Delhi.
9. Smt. Suman Sucheta Bara, Research Assistant
Ministry of Parliamentary Affairs
New Delhi.
10. Smt. Suman Sucheta Bara, Research Assistant
Ministry of Parliamentary Affairs
New Delhi.

..... Respondents

By Advocate None.

O R D E R (Jural)

Hon'ble Shri J. P. Sharma, M(J)

The applicants are working in the Ministry of
Parliamentary Affairs, New Delhi. They have raised

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an issue that the seniority list as on 1.1.1990 circulated vide order dated 9.1.90 by the respondents, be quashed. The main contention is that the backlog vacancies available in June 1979 for promotees in accordance with law, be filled up as per instructions of the Ministry of Home Affairs (Dept. of Personnel & Administrative Reforms) contained in O.M. No.5/26/77-CS(I) dated 6/8-2-1980 (Annexure A-6). The first representation by the applicants is on record and of 13.4.93 (Annexure A-3).

2. The contention of the learned counsel for the applicants is that, he was verbally called by the respondents and he agitated the matter as per averments in the application.

3. We heard the learned counsel for the applicants at length on the point of limitation. In fact, the relief claimed by the applicants is that the backlog vacancies w.e.f. 30.6.1979 be filled up as per the O.M. No.5/26/77-CS(I) dated 6/8-2-1980 (Annexure A-6). In view of this, the applicants have also prayed for holding of a Review DPC.

4. The matter which are once settled cannot be unsettled after a long time. If the applicants had any grievance in the year 1990, they should have made representation and should have got a judicial review within the limitation provided under Section 21 of the Administrative Tribunal Act, 1985. We are fortified in

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our view with the Hon'ble Supreme Court's observations in the case of Rattan Chandra Samanta versus U.D.I.

1993(3)J.T. p.418, State of Punjab versus Gurdev Singh 1991(4)S.C.C. P.1.

5. The learned counsel for the applicant has also referred to averments made in the application that he had approached the respondents earlier also.

6. The Hon'ble Supreme Court in the case of S.S. Rathore versus State of Madhya Pradesh A.I.R.1990 S.C. p.10 has held that repeated representation by the petitioner do not act to the period of limitation. In the constituent Bench, judgement of direct recruits Class-II Engineering Officers Association Vs. State of Maharashtra reported in J.T.1990(2) 264, it has been held that the matters once settled, could not be unsettled after long years. If the applicants had any grievance and they were sleeping over their rights, then it is none but they themselves are to be blamed. By lapse of time the remedy is also lost even if a right exists.

7. The present application, therefore, is barred by limitation and is dismissed at the admission stage itself.


(B. K. Singh)
Member (A)


(J. P. Sharma)
Member (J)