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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1238/2000

New Delhi: this the 3rd day of October, 2001.

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

S.P. Kulshrestha,
Deputy Director (plant pathology),
Department of Agricultural & Cooperation,
PQ & FS, Rangpuri,
New Delhi.

R/o
R.K.Puram,
New Delhi

.....Applicant

(By Advocate: Shri G.D.Bhandari).

Versus

Union of India,
through

1. The Secretary (A&C),
Ministry of Agriculture,
(Dept. of Agriculture & Cooperation),
Krishi Bhawan,
New Delhi.

2. The Plant Protection Adviser,
Directorate of Plant Protection
Quarantine & Storage,
N.H. VI, Faridabad
(Haryana).

3. Dr. (Mrs.) Chandi Ray,
Deputy Director (PP)
NPP TI, Rajinder Nagar,
Hyderabad.

4. Dr. D.R. Reddy,
Deputy Director,
Plant Quarantine Station,
6, Clive Battery,
Chennai.

.....Respondents

(By Advocate: Shri D.S.Mahendru for R.1 and 2.

Shri S.K.Das for R-4. None for R-3)

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ORDER

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S.R. ADIGE, VC (A)

Applicant impungs seniority list dated 1.2.97 (Annexure-A-1) and seeks seniority above Respondents 3 and 4 in the grade of Deputy Director (Plant Pathology) with consequent benefits.

2. Heard both sides.

3. An identical prayer for seniority above Respondents 3 and 4 contained in his representation dated 19.2.93 was rejected by respondents vide O.M. dated 23.4.93 (Annexure A-14). This OA has been filed on 5.7.2000, over 7 years after the date of rejection of his representation by O.M. dated 23.4.93, and is therefore clearly hit by limitation. Manifestly the issue of the impunged seniority list dated 1.2.97 does not extend the period of limitation prescribed under the A.T.Act, and furthermore the OA has been filed over 3 years after the issue of the impunged seniority list dated 1.2.97. It is well settled in S.S.Rathore Vs. State of M.P. AIR 1990 SC 10 that repeated unsuccessful representations, not provided by law, do not enlarge the period of limitation. Applicant's cause of action for placement in seniority above Respondents 3 and 4 arose with the rejection of his representation by respondents vide O.M. dated 23.4.93, and reckoned from that date this O.A. is squarely hit by limitation.

4. Even on merits we find no good grounds to interfere. Applicant has not denied that Respondents

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3 and 4 were promoted as Deputy Director (Plant Pathology) on 12.6.86 and 24.4.87. Nor has he denied in rejoinder, the specific averment of respondents in the preliminary objection of their reply, that the post of Surveillance Officer which applicant was holding, came into the feeder channel for promotion as Deputy Director (Plant Pathology), earlier designated as Sr. Plant Quarantine Pathologist, only after 25.2.89, that is well after the date Respondents 3 and 4 were promoted as such.

5. During the course of hearing applicant's counsel alleged that respondents had deliberately and malafidely delayed bringing the post of Surveillance Officer into the feeder grade for promotion as Deputy Director (Plant Pathology), to confer undue benefits to Respondents 3 and 4, but these allegations have not been supported by any cogent factual material.

6. Applicant's counsel also sought to draw support from the CAT Jodhpur Bench order dated 10.2.2000 in O.A.No.142/97 Harish Chandra Vs. UOI & Ors. (Annexure A-3) in which inter alia a prayer had been made for implementation of the CAT Jodhpur Bench order dated 14.7.93 in O.A.No.217/86 filed earlier by Shri Harish Chandra, but the CAT Jodhpur Bench's aforesaid order has been stayed by the Rajasthan High Court, Jodhpur Bench on 6.9.2000 (copy on

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record) in CWP No. 2713/2000 (Annexure-R1). Hence no advantage accrues to applicant from the aforesaid case.

7. The O.A. is therefore dismissed. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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