

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.1568/2000

New Delhi, this the 18th day of December, 2000

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

S.N.Panigrahi
S/O Padmanabha Panigrahi
214, Lakshmibai Nagar,
New Delhi-23.

..Applicant.

(Applicant in person)

VERSUS

Union of India
through the Secretary,
Ministry of Information & Broadcasting
Shastri Bhawan, New Delhi-1.

..Respondent.

(By Advocate: Sh. R.P.Aggarwal)

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi:-

The applicant in this OA had been officiating in the Junior Administrative Grade of the Indian Information Service on adhoc basis when the adhoc officiation was terminated by the order of the President dated 8.9.98 whereby the applicant was also shifted from his posting as Chief Editor in the Ministry of Health and Family Welfare to the post of Copy Writer in the DAVP at New Delhi. Aggrieved by this, the applicant filed an appeal/representaion dated 3.11.98 which was duly considered by the competent authority and the same was rejected vide OM dated 1.12.98 (Annexure R-4). It seems that the applicant made a further representation in the matter which too was considered. However, the same was also rejected vide OM dated 22.3.99.

2. The applicant's case is that he filed a proper appeal on 15.2.99 which has not been disposed of by the

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competent authority so far. We have considered the matter on the basis of available record and the submissions made by the learned counsel for the respondent as well as the applicant. It has already been pointed out that the order of reversion impugned in this OA was a Presidential order and, therefore, in accordance with law no appeal could be filed against the same. In view of this, the applicant's claim that the 'appeal' filed by him is still pending disposal does not seem to be relevant in terms of law and the relevant rules. His representation, as already stated, has already been rejected by the competent authority way back on 1.12.98.

3. The learned counsel for the respondent has taken the ground of limitation counting the relevant date from 1.12.98, i.e., from the date when the aforesaid representation was disposed of. According to us also that seems to be the correct position as the present OA has been filed in August, 2000, i.e., more than a year after his representation had been disposed of. However, in regard to the plea of limitation, the applicant has placed before us a copy of the order passed by this Tribunal in Beer Singh Vs. Union of India & Ors. reported as [1990] 14 ATC 279, para 5 whereof provides as follows:-

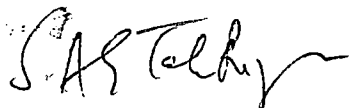
"5. As regards the plea of limitation, the position would depend on whether the impugned order is void ab initio or not. If it is void ab initio, the application will not be barred by limitation...."

4. The aforesaid plea is sought to be met by the learned counsel for the respondent ⁱⁿ on the light of the

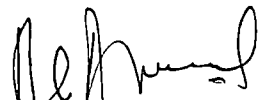
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judgement of the Supreme Court in the case of Secretary to Govt. of India & Ors. Vs. Ajit Singh & Ors. reported as 1999 SCC (L&S) 1322. The same lays down that even void orders are subject to limitation. Thus even if the order in question cannot be termed as void, the aforesaid plea of the applicant in respect of limitation fails. We thus find that he has no case in support of the OA.

5. In the circumstances, the OA must fail and is accordingly dismissed without any order as to costs.



(S.A.T. Rizvi)
Member (A)



(Ashok Agarwal)
Chairman

/sunil/