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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 81/2000

New Delhi, this the 17th day of the April, 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

N. Kesavan, UDC,  
RPBD Division,  
Council of Scientific and  
Industrial Research,  
Anusandhan Bhavan,  
Rafi Marg, New Delhi - 1 .....  
(By Advocate: None )

Applicant

VERSUS

1. Council of Scientific and  
Industrial Research,  
Anusandhan Bhavan,  
Rafi Marg, New Delhi-1

represented through its  
Director General.

2. Central Road Research Institute,  
Delhi - Mathura Road,  
P.O. CRRI, New Delhi-110020

represented through its  
Director .....  
(By Advocate: Shri Rahul V. Roy)

Respondents

O R D E R (ORAL)

By S.A.T. Rizvi, Member (A):

None has appeared on behalf of the applicant.  
We, therefore, proceed to dispose of this case in  
accordance with the Rules 15 of the CAT (Procedure)  
Rules.

2. The applicant herein seeks promotion from  
the post of LDC to that of UDC on the basis of the  
service rendered by him from 1.10.1982 on which date he  
was initially appointed as LDC in the CRRI, one of the

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Laboratories of the CSIR. He made a formal representation in the matter on 4.8.1994 which was considered by the respondents, but was rejected by their O.M. of 16th September, 1994, stating therein that it was not possible to concede the demand on the ground that he had been transferred from the CRRI to the CSIR HQrs on his own request.

3. The details available in the OA go to show that after the applicant's aforesaid request was rejected on 16th September, 1994, he continued to pursue the matter by filing representations, one after the other, and also succeeded in eliciting replies from the respondents, the last of which is dated 11.6.1999. The same informs the applicant that his representation was then under consideration. However, on an earlier occasion, the representations filed by him had been rejected. Law of limitation as laid down in the Administrative Tribunals Act, 1985, (Section 21) is clear on the subject. The applicant could have approached this Tribunal within one year from the date of passing of the order. The order rejecting his request is of September, 1994. He should, therefore, have approached this Tribunal much earlier than he has actually done. The fact that the applicant has filed several representations cannot be accepted as a legitimate ground to beat limitation. In view of this, the O.M. dated 11th June, 1999, whereby the respondents have informed the applicant that some of his representations were under consideration will also not help the applicant in reviving limitation. In our

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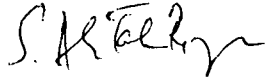
view, the limitation can be revived only if after considering the representation on its merit, the same is rejected by the respondents. In such a situation the limitation would stand revived from the date of such rejection. No such thing has happened in the present case. Some of the representations filed by the applicant have only been kept under consideration. This ground alone cannot, in our view, revive limitation. In the circumstances, we find ourselves in agreement with the learned counsel appearing for the respondents in that the present OA is barred by limitation.

4. On merits also, according to the learned counsel, the present OA cannot be sustained. The rule position is that consequent on his transfer from the CRRI to the CSIR HQrs, the applicant stood to lose his seniority. There is a provision dealing with the question of seniority in such cases. The same provides that in such a case the applicant has to be placed at the bottom of the seniority list of the LDCs maintained at the CSIR HQrs where he came to work on transfer from CRRI on his personal request. He joined the CSIR on 1.1.1993 and was, as per the aforementioned rule, placed at the bottom of the seniority list of the LDCs and this was correctly done. He could, therefore, be considered for promotion on the basis of the said seniority list without taking into account the past services rendered by him in the CRRI. Thus, the contentions raised on behalf of the applicant cannot be accepted.

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5. For the reasons mentioned in the preceding paragraphs, the OA is dismissed. No costs.



(S.A.T. RIZVI)  
MEMBER (A)

  
(ASHOK AGARWAL)  
CHAIRMAN

(pkr)