

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 1197/89
~~TAXNOX~~

199

DATE OF DECISION

6/2/92

SHRI PRATAP SINGH

~~Petitioner~~ Applicant

SHRI S.P. SHARMA

Advocate for the ~~Petitioner(s)~~
Applicant

Versus

UNION OF INDIA & ORS.

Respondents

SHRI B.L. BABBER

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. JUSTICE RAM PAL SINGH, VICE-CHAIRMAN(J)

The Hon'ble Mr. I.P. GUPTA, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

ORDER

(DELIVERED BY HON'BLE MR. I.P. GUPTA, MEMBER (A))

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant was appointed in the All India Soil and Land Use Survey on 2.3.1977 as Assistant Soil Survey Officer as a direct recruit on the recommendation of U.P.S.C.

2. The appicant has challenged the seniority lists of Assistant Soil Survey Officers of 1980, 1983, 1985 and 1989 wherein four promotees, Sarvashri Ladhade, C.P. Singh, Narula and N.C. Saha of 1982 have been placed above him, when he was a direct recruit of 1977. When confronted with

7

the question of limitation of the application, the learned counsel for the applicant requested for quashing of the seniority list of 1989 only. The applicant has also prayed for consequential reliefs in matters of promotion, after he has been placed above the four promotees mentioned above.

3. The learned counsel for the respondents contended that the promoted persons were given their due position on the principle of rotation of vacancies between promotees and direct recruits, as per quota prescribed for different methods of appointment. He also pleaded that the application was clearly barred by limitation.

4. We find that four promotees of 1982 were placed above the applicant in the seniority lists of 1983, 1985 and 1989. The applicant himself has, as mentioned in para(d) of para 4 of his application, stated that the same position was repeated in the seniority list issued in 1985 and then in 1989. Therefore, the cause of grievance arose in 1983 itself and the applicant should not have slept over the matter. The application has been filed only on 5th June, 1989 and it is thus barred by limitation. His representation dated 21.11.84 was also turned down in December, 84 and repetitive representations or repetitive publications of seniority list in various years would not give rise to a new cause of action.

The application, being barred by limitation, is dismissed with no order as to costs.

I.P. Gupta
(I.P. GUPTA) 6/2/92
MEMBER (A)

Ram Pal Singh
(RAM PAL SINGH) 6.2.92
VICE-CHAIRMAN (J)