

Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-1288/89

Date: 18-7-89

Shri Yash Pal Banga Applicant

Versus

Union of India & Ors. Respondents

For the Applicant In person

For the Respondents

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri P.C. Jain, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

(Judgement of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice-Chairman)

The applicant, who is working as Administrative Officer, Grade II in E-in-C's Branch, Army Headquarters, New Delhi, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:-

- (1) that the respondents be directed to assign him his due place in the Select Panel of 18th June, 1983 above his juniors as established in the earlier panel of 19th June, 1982; and
- (2) that the respondents be directed thereafter to consider his case for promotion as O.S.I./A.O.II along with the first batch of 1983/1984 by holding review DPCs with all further consequential benefits of pay and further promotion.

2. The application came up for admission on 4.7.1989 when we have heard the applicant in person and have gone through the records of the case carefully. The applicant stated that his first representation against the impugned panel of 18.6.1983 was submitted to the Secretary, Ministry of Defence, on 12th March, 1987. In continuation of the said representation, he submitted another one to the Engineer-in-Chief on 28th April, 1988. With reference to the representation dated 28th April, 1988, the respondents, vide their communication dated 4th July, 1988, stated that his request to revise his seniority cannot be accepted as the same is not permissible under the rules.

3. The applicant is relying upon the communication dated 4th July, 1988 at Annexure A-6 to the application in order to bring his case within the period of limitation prescribed under the Administrative Tribunals Act, 1985. It will be seen from para.2 of the communication dated 4th July, 1988 that the respondents have not made any fresh application of mind into his case. This is clear from the following observation contained in para.2:-

"The points raised by the officer are almost repetition of the points raised earlier in his representation dated 12th May, 1987 which was replied vide our letter No.41205/ EIR (SUB) dated 12th May, 1987."

4. Admittedly, the applicant made his first representation only on 12th May, 1987 which was nearly after 4 years of the preparation of the panel of 1983. The communication dated 4th July, 1988 cannot also be construed as having the effect of enlarging the period of limitation for filing the application as the respondents did not examine his case on

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the merits afresh on receipt of his representation dated 28th April, 1988. In our opinion, the applicant should have moved appropriate forum seeking relief against the impugned Select Panel prepared in 1983 long ago. It would appear that he has not been vigilant about pursuing his claims. The present application has been filed belatedly. We are, therefore, of the opinion that it is not maintainable on the ground that it is barred by limitation in view of the provisions of Sections 20 and 21 of the Administrative Tribunals Act, 1985.

5. In the light of the foregoing, we hold that the present application is not maintainable and we dismiss the same at the admission stage itself.

(Signature)
C 18/7/89
(P.K. Jain)
Administrative Member

(Signature)
18/7/89
(P.K. Kartha)
Vice-Chairman (Judl.)