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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 2048/1989

Date of decision: 10.01.1992.

Shri Raj Mal

...Applicant

Vs.

U.O.I. through Garrison Engineer ... Respondents
and Others

For the Applicant

...Shri A.K. Behra,
Counsel

For the Respondents

...Mrs. Raj Kumari Chopra,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *yn*
2. To be referred to the Reporters or not? *th*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant who is working as Instrument Repairer in M.E.S. Power House, Red Fort, New Delhi is claiming for his repatriation back to the Indian Air Force and for giving him all consequential benefits.

2. The applicant was initially appointed as a Civilian Air Force Employee on 6.7.1962 and was posted as Aircraft Mechanic (Air Frame) Grade II in the Aircraft Manufacturing Depot under 4, BRD-Kanpur. He was on deputation to Hindustan

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Aeronautics Ltd., Kanpur Division on behalf of Indian Air Force from 1.4.1964 to 4.2.1967. On 14.2.1967, he came to MES and was posted to CME, Delhi, under surplus deficiency scheme as Instrument Repairer. He applied for being adjusted back in IAF since 1966 but his request was not acceded to though some of his juniors were so adjusted. The applicant has annexed copies of two representations dated 19.11.1966 and 18.2.1967 sent by him in this regard. Thereafter on 15.10.1984, he submitted an application for his adjustment in IAF along with his particulars. Similar representations were made by him thereafter. On 5.5.1989, the respondents ~~have~~ stated that at present no vacancy of Aircraft Mechanic existed and as such his case for absorption in Air Force was not possible.

3. The respondents have raised a preliminary objection in their counter-affidavit that the application is barred by limitation. They have stated that he has not cited any application from 22.6.1967 to October, 1984 for his posting back to Air Force on the ground that his alleged juniors were taken back in Air Force. According to them, he was declared surplus in 1966 and he was given an offer in the same trade by HAL which he refused and thereafter being surplus he was given an alternative appointment as Instrument Repairer in MES which he duly accepted and he has been working on the said post for the last more than 23 years.

4. We have gone through the records of the case carefully and have heard the learned counsel for both parties. We have also duly considered the rulings cited before us*. In the instant case, the cause of grievance of the applicant arose sometime in the year 1966. He did not move appropriate legal forum about 25 years to seek redress and instead made two representations in 1966 and 1967 and thereafter after a gap of about 17 years, again made representations. Repeated unsuccessful representations cannot give any fresh cause of action so as to revive the limitation (Vide Gian Singh Mann Vs. The High Court of Punjab & Haryana, AIR 1980 SC 1894; S.S. Rathore Vs. State of M.P., AIR 1990 SC 10).

5. In the light of the above, we are of the opinion that the applicant is not entitled to the relief sought in the present application on the ground of limitation. The applicant has also not made out a *prima facie* case on the merits. He has not alleged any *mala fides* on the part of the respondents who have explored the possibility of adjusting him in the Air Force even at this stage but for want of a vacancy, they have not been able to do so. Accordingly, the application is dismissed, leaving the parties to bear their respective costs.


(B.N. DHOUDIYAL)
MEMBER (A)

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10/11/92
(P.K. KARTHA)
VICE CHAIRMAN (J)

*Authorities cited by the learned counsel for the respondents:

1987(3) ATC 602; 1987(2) ATC 189; 1986 ATC 521.