

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2095/ 1988
T.A. No.

DATE OF DECISION 1.11.1988.

Smt. Avinash Kaur Petitioner Applicant.

Shri Tejveer Singh Verma Applicant.
Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Advocate for the Respondent(s)

CORAM :

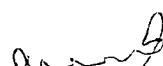
The Hon'ble Mr. P. K. Kartha, Vice-Chairman.

The Hon'ble Mr. Kaushal Kumar, 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 to be circulated to other Benches ?



(KAUSHAL KUMAR)
Member(A)



(P.K. KARTHA)
Vice-Chairman.

1.11.1988.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 2095/88. DATE OF DECISION: 1.11.1988.

Smt. Avinash Kaur Applicant.

v/s.

Union of India & Others Respondents.

CORAM: Hon'ble Mr. P.K. Kartha, Vice-Chairman (J).
Hon'ble Mr. Kaushal Kumar, Member (A).

For the applicant Shri Tejveer Singh Verma,
Counsel.

(Order of the Bench delivered by
Hon'ble Mr. Kaushal Kumar, Member)

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985 wherein the applicant has challenged her non-promotion to the rank of Upper Division Key Punch Operator with effect from 1.11.1971, i.e., the date on which other Key Punch Operators, junior to her, were promoted. In this case the cause of action arose in 1971. The application is hopelessly time-barred in terms of the provisions of Section 21 of the Administrative Tribunals Act, 1985 since the cause of action arose three years prior to the establishment of this Tribunal on 1.11.1982.

2. In R.N. Shinghal v. Union of India (A.T.R. 1986 C.A.T. 28), this Tribunal observed as follows:

"..... Apart from the fact that it is hopelessly belated, there is a legal impediment to the grant of such a prayer. Under Section 21 of the Administrative Tribunals Act, 1985, the grievance in respect of which an application is made should have arisen by reason of an order made at any time within three years immediately preceding the date on which this Tribunal was constituted i.e., 1st November, 1985. Any grievance in respect of an order passed beyond three years next before 1st November, 1985 cannot be taken cognizance of by

this Tribunal and redressed."

3. Again in V.K. Mehra v. The Secretary, Ministry of Information & Broadcasting, New Delhi (A.T.R. 1986 C.A.T. 203), reference was made to the observations made in T-34/85 (Capt. Lachhman Singh v. Secretary, Ministry of Personnel and Training) extracted below:

"The period of three years laid down under sub-section (2) of Section 21 would have to be computed with reference to any order made on such a representation and not with reference to the earlier order.....The Tribunal would have jurisdiction under sub-section (2) of Section 21 to entertain an application in respect of "any order" made between 1.11.1982 and 1.11.1985."

"The limited power that is vested to condone the delay in filing the application within the period prescribed is under Section 21 provided the grievance is in respect of an order made within 3 years of the constitution of the Tribunal. Though the present petition is filed within six months of the constitution of the Tribunal in respect of an order made prior to 1.11.1985 as contemplated by sub-section (3) of Section 21, since it relates to a grievance arising out of an order dated 22.5.1981, a date more than 3 years immediately preceding the constitution of the Tribunal, this Tribunal has no jurisdiction, power or authority to entertain the petition. This petition is, therefore, dismissed."

4. In view of the position under law as stated above, the question of condoning the delay does not arise. Some of the representations and appeals referred to in the

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application were disposed of prior to 1.11.1982 and merely because the applicant continued to make representations even after these were rejected will not extend the period of limitation. The application being time-barred, the same is rejected on the short ground of limitation at the admission stage itself.



(KAUSHAL KUMAR)
MEMBER (A)



(P.K. KARTHA)
VICE-CHAIRMAN

1.11.1988.