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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 153
T.A. No.

198 6.

DATE OF DECISION 12th March, 1986.

Shri V.K.Mehra Petitioner

None. Advocate for the Petitioner(s)

Versus

The Secretary, Ministry of I & B Respondent

None. Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice K.Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes.*
2. To be referred to the Reporter or not? *Yes.*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to all Benches? *Yes.*

K.M.
(K.Madhava Reddy)
Chairman 12.3.86.

K.K.
(Kaushal Kumar)
Member 12.3.86.

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CENTRAL ADMINISTRATIVE TRIBUNAL
DELHI

REGN. NO. OA 153/1986

12th March, 1986

Shri V.K. Mehra

...

Petitioner

versus

The Secretary,
Ministry of Information & Broadcasting
New Delhi.

Respondent

CORAM:

Shri Justice K. Madhava Reddy, Chairman

Shri Kaushal Kumar, Member

For petitioner

...

In person.

For respondent

...

None

(Judgement of the bench delivered by Shri Justice
K. Madhava Reddy, Chairman).

The petitioner herein calls in question Order No. 301/1/80-B(D) dated 22.5.1981 made by the Ministry of Information and Broadcasting, New Delhi and seeks a direction against the respondent that he may be considered by a Review DPC and the wrong done to him may be undone before the next DPC meets for selecting from Senior Class I to Junior Administrative Grade.

2. This Tribunal has jurisdiction to entertain the grievance of a petition in respect of orders made prior to constitution of Tribunal only if it was made within three years immediately preceding its constitution. This Tribunal was constituted on 1.11.1985. The impugned order is dated 22.5.1981 which is beyond three years of the constitution of the Tribunal. The petitioner states that he had made oral representations and appeals to his "Seniors". Obviously what he means is that he preferred an appeal to the superior authorities orally. We do not find any provision in the service Rules for making any oral representation. That apart, there is nothing in the record to show that an oral representation at any time before or after 1.11.1982 was made. The Administrative Tribunals Act does not vest any power or Authority to take cognizance of a grievance arising out of an order made prior to 1.11.1982. The petitioner requests that the delay in filing this application be condoned. But the question is not at all one of condoning the delay in filing the petition. It is a question of the

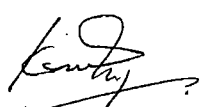
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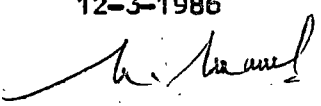
Tribunal having jurisdiction to entertain a petition in respect of grievance arising prior to 1.11.1982.

3. In Regn. No. T-34/85 Capt. Lachhman Singh versus Secretary, Ministry of Personnel and Training, we held:

"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 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.


(K. Madhava Reddy)
Chairman
12-3-1986


(Kaushal Kumar)
Member
12.3.1986