

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 679  
T.A. No.

1986

DATE OF DECISION 8.9.1986.

Shri N.K.Gupta, Petitioner

Shri G.N.Oberoi, Advocate for the Petitioner(s)

Versus

Union of India, Respondent

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 ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether to be circulated to other Benches ? *No*

*h. kumar*  
(Kaushal Kumar)  
Member 8.9.86.

*Reddy*  
(K.Madhava Reddy)  
Chairman 8.9.86.

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
DELHI.

(2)

Regn. No. CA 679/86.

September 8, 1986.

Shri N.K. Gupta.....  
Versus  
Union of India ....

Applicant.  
Respondents.

CORAM:

Shri Justice K. Madhava Reddy, Chairman.  
Shri Kaushal Kumar, Member.

For Applicant .....

Shri G.N. Oberoi, Advocate.

(Judgment of the Bench delivered by  
Shri Justice K. Madhava Reddy, Chairman).

This application under Section 19 is actually directed against the order dated 5.10.1979 as regards assignment of seniority. His representation against that order was rejected finally on 5.10.1979. Notwithstanding that rejection he went on making further representations not warranted by any Service Rule. Ultimately he was informed by a communication dated 21.5.1985 that his request for ante-dating his seniority was rejected on 5.10.79 and it cannot be reconsidered. This application filed on 30.7.1986 is beyond one year of 21.5.1985 and more than 6 months after the Tribunal was constituted i.e. on 1.11.85. Quite apart from the above, the order with which he is aggrieved is an order made as long back as in October, 1979. This Tribunal is not empowered to entertain a grievance of the public servant in respect of which the order was made more than 3 years prior to the appointed day i.e. 1.11.1985. The question of condoning of delay in filing of such an application does not arise.

2. Shri G.N. Oberoi, learned counsel for the applicant argues that the applicant has submitted "a memorial/statutory petition under the CSR" to the President of India on 5.11.1985 and the same is still pending. Such

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a memorial/statutory petition to the President is not contemplated either by Rule 24 read with Rule 23 of the CCS (CCA) Rules or by any other Service Rule. The applicant is a Class III employee and an appeal against an order which according to the applicant is covered by Rule 23(iv)(b) lies to the authority to which the authority making the order appealed against is immediately subordinate. Admittedly, the President of India is not such an authority in the case of Class III servants. The pendency of a memorial to the President presented in 1985 in respect of a matter finally disposed off in October, 1979, cannot vest jurisdiction in this Tribunal to entertain a petition under Section 19. Nor can it arrest the period of limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985. This petition, therefore, fails and is accordingly dismissed.



(Kaushal Kumar)  
Member  
8.9.1986



(K. Madhava Reddy)  
Chairman  
8.9.1986