

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

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

R.A.No.24/86
in O.A.362/86 199

DATE OF DECISION 6.12.1990

Chaman Lal	Petitioner
K.L.Budhiraja	Advocate for the Petitioner(s)
Versus	
Secretary, Ministry of Finance and others	Respondent
M.L.Verma	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

The Hon'ble Mr. T.S.Oberoi, Member(Judicial)

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 it needs to be circulated to other Benches of the Tribunal ?

ORDER

(Hon'ble Mr.S.P.Mukerji, Vice Chairman)

In this Review Application, the applicant whose Original Application No.O.A.362/86 was dismissed in limine by our order dated 25.6.1986 as time barred has prayed for review of that order on the ground that the Tribunal should have condoned the delay and decided the case on merits in view of the fact that the applicant had been suffering grave injustice. This Review Application has been pending ever since 8.8.86 and it ^{had} once been dismissed for default because of the non-appearance of the applicant or his learned counsel on a number of occasions. The order dated 25.6.86 against

which this Review Application has been filed reads
as follows:

"Heard. A preliminary objection has been taken that the application is time barred. We have gone through the application and find that the latest available order pertaining to the application is the memorandum No.A-19012/70/80-Admn issued by the Ministry of Finance (BPE) dated 9th April, 1981. The petitioner admits that after this letter there was no further communication on his various representations and reminders which he has been sending from the various Ministries where he has been working. Since the latest order to which this application can be linked is dated 9.4.1981, the application is obviously time barred under Section 21 of the Administrative Tribunals Act. The applicant admits that he had not moved any Court of Law after 9th April, 1981. We do not find any prima facie case to condone the extra-ordinary delay in seeking redress from the Court of Law by the petitioner. The application is therefore dismissed in limine under Section 19(3) of the Administrative Tribunals Act.

Sd/-
H.P.Bagchi

Sd/-
S.P.Mukerji "

It will be clear from the above that on the applicant's own showing that there was no communication on his various representations after 9th April, 1981 it was held by the Tribunal that the application was time barred as the applicant had not moved any Court of Law for the redressal of his grievance after receiving the negative reply of the Ministry of Finance dated 9th April, 1981.

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2. We have heard the arguments of the learned counsel for both the parties on the Review Application and gone through the documents carefully. Even if we accept the plea of the applicant that a further rejection order dated 29.10.81 (Page 36 of the original paper book) was communicated to him on 23.5.83 vide the endorsement below that communication, even then the O.A. which was filed on 16.5.86 was time barred in accordance with Section 21 of the Administrative Tribunals Act. Apart from the fact that the actual cause of action arose more than three years before the constitution of the Tribunal and even if we take the cause of action to have arisen on 23.5.83 this also arose more than 18 months before the constitution of the Tribunal on 1.11.1985. The application should have been filed before 1.5.86 in accordance with Section 21⁽²⁾ of the Administrative Tribunals Act. No application for condonation of delay had been filed by the applicant nor has any cogent reason emerged ^{explaining} ~~for~~ such inordinate delay. There is ~~pl~~^{pl}ethora of rulings of the Hon'ble Supreme Court, High Courts and the Tribunal that successive representations cannot extend the period of limitation. In Gian Singh Mann Vs. High Court of Punjab and Haryana, AIR 1980 SC 1984, the Hon'ble Supreme Court held that making successive representations to administrative authorities cannot revive claims barred by ~~limitation~~. In B.K.Mehra Vs. Secretary, Information and

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Broadcasting, ATR 1986: (1) CAT 203 the Tribunal held that if the cause of action arose prior to 1.11.1982 the Tribunal cannot entertain the application and the delay cannot be condoned. In B.A.Sarjare Vs. State, ATR 1987(1) CAT 158 the Tribunal held that repeated representations do not extend the period of limitation which commenced soon after the rejection of the first representation or an appeal. Similar views were expressed by the Tribunal in Shri Husan Singh Vs. Commissioner of Police, Delhi and others, ATR 1986(2) CAT 544, Y.Gangaiah and others Vs. General Manager, Southern Railway, Madras and another, ATR 1988(2) CAT 402 and Ajay Shanker Vs. Union of India and others (1989) 9 ATC 682.

3. In the facts and circumstances, we do not find any merit in the Review Application and dismiss the same.

T.S. Oberoi
(T.S. Oberoi)
Member (Judicial)

S.P. Mukerji
6/12/90.
(S.P. Mukerji)
Vice Chairman

Ks.

Notices issued on 14-9-91
Applicant - A.D. awarded
R-1 -----
R2-R3 - Awarded.