

(14)

Central Administrative Tribunal
Principal Bench, New Delhi.

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No. R.A. 197 of 1989 in OA 946 of 1986

Between

Hoshiar Singh & Ors.

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Applicants

And

Delhi Administration & Ors.

.....

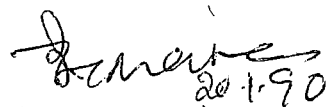
Respondents


Review Application No. 197 of 1989 has been filed against the orders passed by this Tribunal on 10.11.89 in OA 946 of 1986 on the grounds that there has been an apparent error on the face of records in as much as the application was rejected on the grounds of limitation contrary to this Tribunal's decision in B. Kumar Vs. U.O.I. - 1988 (1) ATR CAT-1 - decided on 12.9.87 in OA 194/86.

2. In their order dated 12.9.87, the Tribunal had held that limitation from the date of rejection of a representation will not hold good where the Department concerned chooses to entertain a further representation and considers the same on merits before disposing of the same. It was stated that it was open to the Department concerned to consider a matter at any stage and redress the grievance or grant the relief, even though their representations have been rejected and it would be inequitable and unfair to dismiss an application on the ground of limitation with reference to the date of earlier rejection where the concerned Department has itself chosen, may be at a higher level, to entertain and examine the matter afresh on merits and rejected it. Apparently, in that case the Department had re-examined the matters afresh on merits and rejected it. In the present case, the cause of action took place 10 years earlier and while it is always open to a Department to redress the grievance of a public servant at any time it so chooses, unless the matter has been re-examined on merits and rejected afresh, the period of limitation would not get extended merely because a latter representation was replied to. In the original application, the applicant had stated that his representation was replied in the month of September, 1986 by the Deputy Commissioner of Police, Headquarters, which the applicants considered to be evasive, irrelevant and wrong interpretation

of rules. It would not, therefore, be considered a fresh examination of the representation on merits. Besides, it was also brought out in the original application that the cases of the applicants and respondents 3 to 6 were identical but the material facts and dates were different. The reason why the applicants could not be promoted was that vacancies for confirmation were not available from List 'C' and consequently the applicants were placed on 2 years probation. As such, the applicants should have filed their appeal immediately after the issue of the orders instead of waiting for 9 to 10 years. It was quite clear that the applicants were aggrieved by the order dated 8.1.1976 and clearly the main grievance related to 1976.

In the circumstances, we see no reason to allow the Review Petition which is rejected.


(B.C. Mathur)
Vice-Chairman


(Amitav Banerji)
Chairman