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CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH:DELHI

O.A.NO. 1469 OF 1987

DATE OF DECISION: 9-8-1991.

Shri R.D.Sharma.

.. Applicant.

v.

Union of India.

.. Respondent.

CORAM:

Shri G.Sreedharan Nair,

.. Vice-Chairman.

Shri S.Gurusankaran.

.. Member(A)

Shri G.D.Gupta, Counsel for the applicant.

Shri P.R.Khurana, Counsel for the Respondent.

S.GURUSANKARAN, MEMBER (A):

JUDGMENT

In this application, the applicant has prayed for quashing the seniority list issued on 18-2-1985 showing the position of the applicant as 5911 (extract at Annexure-A) with empanelment date by Departmental Promotion Committee as 2-2-1980 and giving him seniority from the date of his promotion on trial basis, viz., 27-7-1978 (Annexure-B).

2. This application was heard along with O.A.No. 593 of 1988, in which the same applicant had challenged the validity of the orders retiring him prematurely with effect from 7-4-1988. ~~We observe that~~ O.A.No.593 of 1988 has been dismissed by us to-day.

3. The applicant has claimed in ~~his~~ application that it is within the period of limitation. The respondent has taken a preliminary objection that the application is barred by limitation. We find that the cause of action arose on 27-7-1978 (Annexure-B), when the applicant was promoted on trial basis for 6 months as Stenographer Grade-C. He did not submit any representation at that time or earlier, when his

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junior ^{was} promoted on regular basis. Vide orders dated 21-6-1980 (Annexure-E), the applicant was promoted on long term basis indicating that his name has been included in the select list of Stenographer Grade-C w.e.f. 2-2-1980. He submitted a representation dated 26-6-1980 (Annexure-F) and the same was turned down on 12-8-1980 (Annexure-G). He submitted a further representation dated 16-8-1980 (Annexure-H) which was also rejected on 17-9-1980 (Annexure-I). ~~He~~ Since his main grievance is against ~~his~~ inclusion of his name in the select list w.e.f. 2-2-1980, this application ~~barred by limitation~~ is beyond the jurisdiction of this Tribunal, ~~since~~ as the cause of action arose prior to 1-11-1982. Since the seniority list (Annexure-A) published on 18-2-1985 shows his seniority as having been included in the select list with effect from 2-2-1980 on the basis of orders dated 21-6-1980 (Annexure-E), this cannot give a fresh cause of action. Even against the seniority list, he has filed the application only on 25-9-1987 and hence this application is hopelessly time barred. Further since O.A.No.593 of 1988 (supra) has been dismissed, this application has also become infructuous.

4. In view of the above, the application is dismissed.

Member
9/8/1991
MEMBER(A)

Ersoy
9-8-1991
VICE-CHAIRMAN.