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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1614 1987.
T.A. No.

DATE OF DECISION November 20, 1987.

Shri R.L. Sangal, **Petitioner**

Applicant in person Advocate for the Petitioner(s)

Versus

Union of India & Anr. **Respondent**

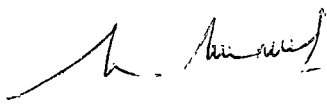
none. **Advocate for the Respondent(s)**

CORAM :

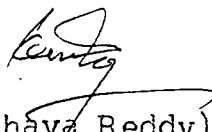
The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

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


(Kaushal Kumar)
Member

20.11.1987.


(K. Madhava Reddy)
Chairman

20.11.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. 1614/87.

November 20, 1987.

Shri R.L. Sangal Applicant.

Vs.

Union of India & anr. ... Respondents.

CORAM:

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

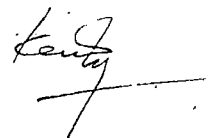
Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Applicant in person.

(Judgment of the Bench delivered by Hon'ble
Mrs. Justice K. Madhava Reddy, Chairman).

In this application under Section 19 of the
Administrative Tribunals Act, filed on 10.11.1987,
the applicant seeks a direction to strike down the
letters issued by the respondent No.2 on 13.1.1975,
26.2.1980, 22.2.1983 and 23.1.1985 as being ultra vires
to the statutory rules in force from time to time.

So far as the first two letters are concerned,
they were issued more than three years prior to the
constitution of the Tribunal i.e. 1.11.1985. An
application under Section 19 of the Act is barred by
time under Section 21 of the Administrative Tribunals
Act. So far as the other two letters are concerned,
though they are issued within three years of the
constitution of the Tribunal, the applicant has neither
filed the application within six months of the



constitution of the Tribunal i.e. before 30.4.1986 nor has he filed it within one year thereafter. No proceedings were pending before any court on the "Appointed Day" so as to save limitation. If any such proceedings were pending before any court, they would have ~~been~~ stood transferred to the Tribunal under Section 29 of the Act and petition under Section 19 would have been unnecessary.

The applicant, however, states that he has filed representations before the competent authority and the same are pending disposal. No communication addressed to him has been placed before us. The applicant states that several representations were thereafter filed by him and they are all pending. If the first representation was not disposed of, merely by filing successive representations, the period of limitation does not stand extended. In any event, under Section 21(1)(b) of the Act, if a representation ~~is~~ filed by the applicant is not disposed of within a period of six months, the aggrieved employee may move the Tribunal. But any such option has to be exercised within a period of one year after expiry of such period of six months. Even this period has expired in the present case. If at all he is aggrieved by any order made subsequently on his representation, whether any and if so, what relief he can seek, it is not for us

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to express any opinion at this stage. All that we are concerned at this stage is whether this application filed under Section 19 is within time. As the application is filed more than 1½ years after the representation was made, which according to the applicant has not been disposed of, this application is found to be barred by time under Section 21 (1)(b) of the Act. It is accordingly dismissed.



(Kaushal Kumar)
Member

20.11.1987.



(K. Madhava Reddy)
Chairman

20.11.1987.