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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 987
T.A. No.

1987.

DATE OF DECISION November 13, 1987.

Shri Jagdish Lal, Petitioner

Shri B.L.Chawla, Advocate for the Petitioner(s)

Versus

The Secretary, Ministry of Defence Respondent(s)
and others

Shri P.P.Khurana, 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*

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(Kaushal Kumar)
Member
13.11.1987.

Reddy
(K.Madhava Reddy)
Chairman
13.11.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

OA No.987/87.

November 13, 1987.

Shri Jagdish Lal ... Applicant.

Vs.

The Secretary, Ministry of
Defence, New Delhi & Ors ... Respondents.

Coram:

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

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Shri B.L.Chawla, counsel.

For the respondents ... Shri P.F.Khurana, counsel.

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

While we do not see any reason to condone the delay in filing the OA No.987/1987 on the facts of this case, we think, the respondents ought to be directed to dispose of the representation made by the applicant in the form of legal notice dated 8.7.1985 and referred to in the File No.707-C-JL Est.(NG) of the Central Ordnance Depot, Delhi Cantt., respondent No.4 herein.

The applicant being aggrieved by the order of reversion dated 18.7.1984, served on him on 9.8.84 made representation a/against his reversion. That representation was rejected on 5.10.1984. He made a further representation on 4.12.1984. That was also rejected on 19.12.1984. This application filed under Section 19 of the Administrative Tribunals Act calling in question the order of reversion dated 18.7.1984, was filed on 26.6.1987. From the date

date of the rejection of that representation, this application is clearly time barred. The applicant, however, pleads that he had sent a legal notice to respondents on 8.7.1985. The respondents proceeded to examine his claim on merits and the inter-departmental correspondence evidenced in the above noted file of the respondents, shows that the matter is not finally disposed of. If that be the case, then even from the date of this subsequent representation also not only six months period has elapsed, even the further period of one year within which he should have approached the Tribunal had elapsed before this application under Section 19 of the Act was filed. If the applicant chose to file an application under Section 19 before the representation was disposed of, he should have approached the Tribunal within a period of one year from the date of expiry of the period of six months from the date of making the representation as mentioned in clause (b) of Sub-Section (1) of Section 21 of the Act. This application is, therefore, barred by time in the sense that he must now await the final disposal of the representation which is pending consideration of the respondents. However, the respondents cannot sleep over the matter indefinitely. They should be directed to dispose of the representation of the applicant within a reasonable time. While we decline to consider the claim of the applicant on merits in this application, we direct the respondents to dispose of the representation (legal notice) within a

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period of three months from today. This application is disposed of accordingly with no order as to costs.

If any final order is made, that would of course, give a fresh cause of action and fresh starting point of limitation to the applicant and if he is aggrieved by that order, nothing said herein would come in the way of the applicant moving the Tribunal afresh.



(Kaushal Kumar)
Member
13.11.1987.



(K. Madhava Reddy)
Chairman
13.11.1987.