

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(4)

Regn. No. O.A. 99/87

Date of decision: 10.08.92.

Shri Jagmohan Singh

...Applicant

Versus

Union of India & Others

...Respondents

Coram:-

The Hon'ble Justice Mr. V.S. Malimath, Chairman

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the Applicant Shri P.T.S. Murthy, Counsel.

For the Respondents Shri P.P. Khurana, Counsel.

Judgement (Oral)

(Mr. Justice V.S. Malimath, Chairman)

The applicant joined service as Vocational Instructor (Wood-Working) on his appointment in the year 1973 on an adhoc basis in a temporary post. He says that he was permitted to cross the efficiency bar on 28.3.1978 as per Annexure-II. Thereafter he was once again appointed in the scale of Rs.440-750 in which scale he was already serving in a temporary post by order Annexure-III dated 31.3.1978. The said order says that the applicant would be on probation for a period of two years from 21.3.1978. Order dated 1.9.1980 (Annexure-IV) declares that the applicant has satisfactorily completed the period of probation w.e.f. 21.3.1980. On the basis of Annexure-IV a further order was passed on 17.12.1980, as per Annexure-V, confirming him w.e.f. 22.3.1980. The



applicant made a grievance first time on 15.4.1986 as per Annexure-VI that he should have been confirmed w.e.f. 1.1.1980 - the date on which his junior Shri R.P. Saxena was confirmed. The representation of the applicant dated 15.4.1986 came to be rejected by order dated 22.10.1986 (Annexure-VIII) on the ground that the complaint was made after a lapse of six years, after the seniority list was finalised and circulated. It is in this background that the applicant has approached this Tribunal for relief in the present Application filed on 20.1.1987.

2. We are clearly of the opinion that the Application is barred by Section 21 (2) of the Administrative Tribunals Act, 1985. The Tribunal came into existence under the said Act on 1.11.1985. The cause of action had accrued beyond a period of three years after the date of constitution of the Tribunal. In our opinion, the cause of action accrued for the first time when an order was made on 31.3.78, appointing the applicant on probation of two years, as it is the applicant's contention that he having already been appointed on probation in the year 1973, fresh appointment in the same post and scale of pay was not permissible. At any rate, the cause of action accrued in his favour when an order was made on 17.12.1980, confirming him w.e.f. 22.3.1980, simultaneously confirming his alleged junior Shri Saxena with effect from 1.1.1980 by the same order. It is, therefore, clear that the Application is barred by Section 21 (2) of the Administrative Tribunals Act, 1985, the cause of

✓ of the Administrative Tribunals Act, 1985, the cause of

action having been accrued beyond a period of three years from the date of constitution of the Tribunal.

It is on this short ground this Application is liable to fail. Hence it is dismissed. No costs.

I. K. Rasgotra
(I. K. Rasgotra)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

August 10, 1992.

skk