

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

RA NO.226/91  
OA NO.2398/89

DATE OF ORDER: 18-2-92

DR. K.M. PALIT

...APPLICANT

VERSUS

UNION OF INDIA

...RESPONDENTS

CORAM:

HON'BLE MR. T.S. OBEROI, MEMBER (J)

HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

O R D E R

This Review Application has been filed praying for review of our judgement delivered on 30.10.1991 in OA 2398/89. The operative part of the judgement reads as under:-

"There is a specific provision in the Act that the cases, where the cause of action arose three years prior to the coming into force of the Act on 1.11.1985, i.e., prior to 1.11.1982, are barred by limitation and cannot be adjudicated upon by the Tribunal. The OA is, therefore, hopelessly barred by limitation. Accordingly we do not see any reason for judicial interference in the matter.

The OA is dismissed being barred by limitation with no order as to costs."

In the present R.A. various grounds agitated in the O.A. have been reagitated with the additional plea that "this was a fit case in which this technical plea (limitation) should not have been invoked by the Tribunal suo moto as malafides ....."


In a recent judgement delivered by Hon'ble Supreme Court in **The State of Punjab & Ors. v. Gurdev Singh, Ashok Kumar JT 1991 (3) SC 465** their Lordships observed:

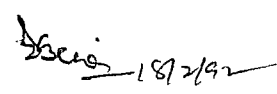
"First of all, to say that the suit is not governed by the law of Limitation runs afoul of our Limitation Act. The statute of Limitation was intended to provide a time limit for all suits conceivable."

The law of limitation, therefore, cannot lightly be brushed aside. It may also be mentioned that there is no bar on the Court taking notice of limitation suo moto when the facts of the case so warrant. In **Ram Naresh Shukla v. U.P. State Public Services Tribunal & two Ors. 1992 (1) CSJ (HC) 23** the Allahabad High Court has held:

"The submission made by the learned counsel has no substance at all in as much as the provisions of Section 3 of the Limitation Act are emphatic, according to which the question of limitation is purely of law capable of determination on the facts admitted. The Court is bound to raise the question of limitation suo moto and decide it notwithstanding the fact that defendant has raised the objection of limitation in the written statement or not. This being the legal position, the Tribunal has rightly reached the conclusion that the suit was also barred by limitation."

In the above circumstances, we do not find any valid ground for review of our judgement dated 30.10.1991 delivered in OA 2398/91. The R.A. is accordingly rejected.

  
(I.K. RASGOTRA)  
MEMBER(A)

  
(T.S. OBEROI)  
MEMBER(J)