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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, DELHI.

O.A. No. 1589/90.

DATE OF DECISION: September 13, 1990.

Janardan Prasad

....

Applicant.

Shri V.K. Gupta

....

Counsel for the Applicant.

V/s.

Union of India & Anr.

Respondents.

CORAM: Hon'ble Mr. P.C. Jain, Member (A).
Hon'ble Mr. J.P. Sharma, Member (J).

(Judgment of the Bench delivered by
Hon'ble Mr. P.C. Jain, Member (A).)

JUDGMENT

This application under Section 19 of the
Administrative Tribunals Act, 1985, filed on 10.7.1990,
seeks regularisation and reinstatement of the applicant
with full back wages etc.

2. The applicant claims to have worked as a
casual labourer in the office of Respondent No.2 from
11.5.1983 to 14.8.1984 and again from 1.10.1984 to
31.12.1984. With reference to his various letters /
representations, he was informed vide letter dated
18.11.1988 that under the Government instructions on
the subject, he could not be considered for regular
appointment against group 'D' post. With reference
to his representation against the above communication,
again
he was/informed vide letter dated 5.1.1989 about the
contents of the communication dated 18.11.88 by enclosing
a copy of the same.

3. As the O.A., *prima-facie*, had not been filed
within the limitation prescribed in Section 21 of the
Administrative Tribunals Act, 1985, the applicant was
given an opportunity to file additional documents, if any,
and to show that the application was within limitation.
The applicant did file some additional documents, which
are all pertaining to dates prior to the impugned order

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dated 18.11.1988. Though the applicant has stated in his application that the impugned orders are dated 6.3.1989 and D.O. letter dated 30.1.1990, these cannot be taken to be the orders / communications against which the relief is sought. Letter dated 6.3.1989 refers to that the applicant's letters dated 12.1.1989 and 3.2.1989 and / the applicant was informed of the reply given in the letter dated 18.11.88. D.O. letter dated 30.1.1990 is only a reply to the applicant's letter dated 1.12.1989 addressed to the Director General of Civil Aviation, New Delhi, and it is stated therein that the applicant's letter had been passed on to the Deputy Director General of Civil Aviation who looks after Administration.

4. In his O.A., the applicant has stated on the point of limitation that the application is within the limitation prescribed, and that after the termination of his service, the applicant continued to write various letters and communications to the respondents for regularisation of his service, which matter has not been given a final touch by the authorities till date. It is further stated that the respondents were served with a legal notice dated 29.3.1990, but they have not responded to the same, and as such, the limitation period still stands and subsists.

5. The contentions of the applicant cannot be upheld in law. Repeated representations do not have the effect of extending the limitation (GIAN SINGH MANN Vs. HIGH COURT OF PUNJAB & HARYANA and ANOTHER - 1980 (4) SCC 266; S.S. RATHORE Vs. STATE OF MADHYA PRADESH - AIR 1990 S.C. page 10). From the applicant's own statement in the application, it is clear that he did not serve the respondents after 31.12.1984. It is also clear from the documents filed by the applicant that he had been informed vide letter dated 18.11.1988 that he could not

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be regularised against a Group 'D' post. Thus, the cause of action against reinstatement, if any, commenced from 1.1.1985, and the cause of action for regularisation commenced on 19.11.1988. His representation against order dated 18.11.1988 was also replied to vide letter dated 5.1.1989, which was received by him on 10.1.1989. There is no prayer for condonation of delay.

6. Sub-section (3) of Section 19 of the Administrative Tribunals Act, 1985 lays down that where the Tribunal is not satisfied that the application filed under Section 19 of the Act ibid is a fit case for adjudication or trial by it, it may summarily reject the application after recording its reasons.

7. In view of the foregoing discussion, we are of the considered view that the application is not maintainable under Section 21 of the Administrative Tribunals Act, 1985, as it had not been filed within the limitation prescribed therein. Accordingly, the application is rejected at the admission stage itself as not maintainable.

Sharma
(J.P. SHARMA)
Member (J)

13/9/96
(P.C. JAIN)
Member (A)