

24/9/91

C.A. NO. 2693/90

(5)

Office Report

Orders

JAGDISH NARAIN SHARMA VS. U.O.I. & ANR.Applicant through Shri Umesh Mishra. counsel.

The applicant now working as Assistant Logging Inspector with F.O.D./FRI filed this application under Section 19 of the Administrative Tribunals Act, 1985, aggrieved by the order of reversion dt. 18.2.1974. By the impugned order, the applicant was reverted from the post of Storekeeper to the post of Assistant Machine Operator. In this application, the relief claimed is to declare the impugned order dt. 18.2.1974 as illegal, arbitrary and unconstitutional. The applicant has also prayed all consequential benefits and for holding the review D.P.C. required for the promotion purpose. We have heard the learned counsel for the applicant. Annexure-A is the impugned order. This order shows that on the basis of selection of one Sh. Govind Singh, the applicant was reverted to the post of Assistant Machine Operator. Annexure-C is the appointment letter dt. 13.3.1973 showing that the applicant, officiating Assistant Machine Operator was appointed as Storekeeper. It goes to show that the applicant was still officiating as Assistant Machine Operator on the date of his appointment as Storekeeper.

2. The application before the Tribunal should be ^{within} the limitation as prescribed under

P.T.O.

Date	Office Report 6	Orders
		<p>Section-21 of the Administrative Tribunals Act, 1985. Section-2(a) reads as follows :-</p> <p>"the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates."</p> <p>It is, therefore, evident that an application against an order made before three years immediately preceding the date of the setting of the Central Administrative Tribunal is time barred. The Central Administrative Tribunal cannot even condone the delay in such cases. Sukumar Day Vs. Union of India 1983 (3) ATC p-427 C.A.T. Calcutta, V.S.Raghavan, Secretary to the Ministry of Defence-1987 (3) ATC 602 C.A.T. Madras.</p> <p>The learned counsel for the applicant has placed reliance on SLJ 1990 (3) C.A.T. p-181- Tota Ram Sharma Vs. U.O.I.. The facts of the case are totally different. In that case, the matter was of promotion and on the basis of an earlier judgement, the relief was desired to be given to the applicant of that case. The Full Bench authority of John Lucas, 1987 (3) ATC 328 was also relied where it was held that in service matter in judgement rendered except perhaps ⁱⁿ disciplinary proceedings</p> <p style="text-align: center;">v</p>

Contd...

Office Report

Orders

will affect some one or the other members of the service. In the present case, the applicant has been reverted by a definite order of 1974 and he has not assailed that order within the period of limitation. He has no grievance about promotion, but he has a grievance about reversion of 1974. The cited case, therefore, does not apply in the circumstances of the present case.

3. We, therefore, hold that the present application is grossly barred by time and is dismissed in limini at the admission stage itself.

Jomacep

(J.P. SHARMA)
MEMBER (J)

24/9/91

Lal Singh
(I.K. RASGOPIA)
MEMBER (A)
24/9/91