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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

OA 649 of 1990

Date of decision 8th Jan., 1991

Shri O.P.Gupta

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Applicant

versus

1. Delhi Administration, Delhi through
Lt. Governor, L.G.House, Delhi.
2. The Secretary(Medical)
Delhi Administration 5 Shyam Nath Marg,
Delhi.
3. Director Health Services,
Delhi Administration, Saraswati Bhawan,
Connaught Place, New Delhi.
4. Estate Officer,
Technical Recruitment Cell,
Delhi Administration,
M.A.M.College, New Delhi.

Coram: Hon'ble Mr. B.S.Sekhon, Vice Chairman.
Hon'ble Mr. P.C.Jain, Administrative Member.

Present: Applicant in person.
Mr. M.M.Sudan, counsel for the respondents.

B.S.SEKHON:

Applicant, who has since retired on 31-7-90 from
the post of Pharmacist seeks the following reliefs:-

1. Grant of Selection Grade with effect from 1-8-76 together-
with consequent ^{-ial} dues and benefits.
2. Refund of Rs.842.40 + interest of Rs. 96.50 upto June, 1977
together with further interest till date, stated to be
outstanding in his name in CDS Account No. 27238 vide
5652 dated 28-7-1977 while he was serving in M.A.N.College.
2. Concisely put, applicant's case is that he was the
Senior Pharmacist eligible for grant of Selection Grade
with effect from 1-8-76, but was not granted the same. His

juniors had been granted Selection Grade vide office order No. F-4(84)/82-MC/TRC/2/17307 dated 6.6.83(Annexure A-1).

• Claiming seniority at Sr.No.22 in the seniority list of Pharmacists(Annexure A-36), applicant has stated that Selection Grade had been awarded to his colleagues upto Sr.No.43. Repeated representations and reminders by the applicant have not yielded any fruitful result. His case has also not yet been rejected. Applicant's representations and efforts to get the sum of Rs. 842.40 plus Rs. 96.50 as interest upto June,1977 have also not borne any fruits.

3. Application was admitted leaving the question of limitation for arguments at the time of final hearing. Respondents have not chosen to file any counter despite several opportunities granted in this behalf. We had accordingly no option but to proceed further in the case. We have accordingly heard the arguments addressed by the applicant in person and the learned counsel for the respondents, and have perused the records.

4. The first important point which falls for consideration is as to whether the instant Application is within limitation. A perusal of para 1 of the Application reveals that the Application insofar as it pertains to the non-grant of Selection Grade, is directed against the order dated 6-6-1983(Annexure A-1). By virtue of the aforesaid order, Selection Grade had been granted to the juniors of the applicant. The cause of action evidently arose to the applicant on 6-6-83. The instant Application is hopelessly barred by limitation. It is correct that applicant has submitted a number of representations and reminders. This is, however, of little avail to the applicant. It may not be inapposite to point out that the Supreme Court

has ruled in 'S.S. Rathore vs. State of Madhya Pradesh' ^{*} that mere making of repeated representations does not have the effect of ^{starting} extending the period of limitation.

5. Applicant's claim relating to the refund of the alleged unpaid amount of CDS is also barred by limitation. We may also add that the aforesaid claim is hit by the injunct of Plural Remedies contained in Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987. The claim relating to the refund of CDS and the interest thereon is in no way consequential to the claim for Selection Grade.

6. During the course of arguments, the learned counsel for the respondents, however, fairly conceded that applicant's case is being considered by a DPC to be convened shortly. If the DPC to be convened shortly finds the applicant suitable for grant of Selection Grade on the basis of the relevant record, the respondents will naturally grant the consequential benefits to the applicant. If, however, the applicant feels aggrieved by the decision of the DPC or the administrative order passed on the basis of the recommendations of the DPC, applicant will be free to file a fresh Application, if he feels so advised. In view of Rule 10 of the Procedure Rules, we are not pronouncing upon the validity or otherwise of the claim pertaining to the refund of CDS amount and the interest thereon.

7. In view of the foregoing, the instant Application merits rejection on the ground of limitation. Consequently the same is hereby rejected as barred by limitation. The rejection of this Application will not, however, come in the way of the administrative authorities to consider the claim of the applicant for grant of Selection Grade by the DPC to be convened shortly.

* AIR 1990 SC 10.

We may also say , if we may, that an ideal employer like the Government is not expected to reject the well-founded claims of its employees on the technical plea of limitation. The Application is disposed of accordingly, but in the circumstances, we make no order as to costs.

C. C. Jain
(P.C.Jain) 8/1/91
Administrative Member.

B. S. Sekhon
(B.S.Sekhon)
Vice Chairman.

8-1-91