

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

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OA/TARA/CCR No. 776/1991 19

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Secy. Deptt. of Electronics
RESPONDENT(S) COUNSEL

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		<p>8.</p> <p><u>5.4.1991</u></p> <p>Present : Applicant in person.</p> <p>We have heard the applicant in person and perused the application. According to the applicant himself, the cause of action arose in February, 1983 when he was due due ^{due} deeming promotion from the post of Assistant Director to that of Deputy Director. This is based on the claim that his service rendered during the period from 18.8.1973 to 16.2.1983 when he was working in the C.C.I. Wing of D.O.E. ^{lame} should be accounted for seniority/promotion.</p> <p>The applicant was transferred to the Department of Electronics in accordance with his own option under certain terms and conditions. The copy of the ex option exercised by him or the copy of the letter calling for the options has not been placed on the record. The applicant, however, submitted that this was ^{as far as} back in 1971 and he could perhaps trace that. These are the essential documents, which should have been placed on the file. In any case, we questioned the applicant on the aspect of limitations.</p> <p>P.T.O.</p>

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		<p>in view of the specific provisions made under Section 21 of the Administrative Tribunals Act as the cause of action had arisen in February, 1983 and he has filed this application on 14.3.1991 when he was only 17 days short of his retirement on superannuation. The only explanation for the delay, he has given, is that he had been representing the matter to the Secretary, Electronics and had been pursuing to the concerned authorities <i>personally</i>. He also submitted a copy of the order given to him by the Department of Electronics dated 27.3.1991 which is reproduced below:-</p> <p>"Shri B.S. Dogra, Deputy Director is hereby informed that his representation dated 23.1.91 addressed to MOS(PMD) has been considered by the Competent Authority and has been rejected."</p> <p>This seems to be one of the several representations which he had made and which have been <i>answered</i> ^{re. Case - 2 M.P.} asked from time to time. It has been made clear in S.S. Rathore's judgement delivered by the Hon'ble Supreme Court that repeated representations cannot be taken to extend the period of limitation. The period of limitation starts from the date, the cause of action arose and the applicant should have agitated the matter after six months after he had made the representation and received no reply and in case,</p> <p style="text-align: right;">...3...</p>

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		<p>he had received a reply which was considered to be unsatisfactory, he should have come to the court ^{immediately thereafter}. Since he has filed this application only in March, 1991, the case is barred by limitation and is accordingly dismissed. A copy of this order may be given to the applicant.</p> <p><i>Le</i></p> <p>(J.P. SHARMA) MEMBER (J)</p> <p><i>Dr. Singh</i> (I.K. RASGOTRA) MEMBER (A)</p>