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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Regn. No. OA 888 of 1991

Date of decision: 5.6.91

Jawahar Ram

Applicant

Vs.

Union of India & Others

Respondents

Present

Shri P.L. Mimroth, counsel for the applicant.

CORAM

Hon'ble Justice Shri Ram Pal Singh, Vice-Chairman (J).

Hon'ble Shri P.C. Jain, Member (A).

(Judgment of the Bench delivered by Hon'ble Justice

Shri Ram Pal Singh, Vice-Chairman (J).)

The applicant after obtaining the permission from the Hon'ble Chairman under Section 25 of the Administrative Tribunals Act of 1985 (hereinafter referred as 'Act'), has filed this O.A. on 21.4.91. By this ~~OA~~, the applicant prays for a direction to the respondents to promote him as Superintendent (M) from the date his juniors have been promoted alongwith the consequential benefits. He further prays for a direction to the respondents to give him promotion as Asstt. Superintendent with effect from 1.1.84 and has also prayed for inclusion of his name in the seniority list.

2. According to paragraph 13 of the OA, he filed his first representation on 1.9.1986 and went on filing the representation every year, the last being on 26.3.90. It appears that the applicant computes the period of limitation from the date of the filing of the last representation.

3. The first selection was conducted in the year 1980; the second selection was held in 1982; the third selection took place in 1983; the 4th in 1984 and the fifth in 1985. Prima facie, the O.A. appears to be barred by limitation. No application has been filed by the applicant for condonation of delay. The main contention of Shri Mimroth is that the cause of action for filing this

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application arose continuously day after day and year after year

till 1990 when the applicant filed the last representation. He further contended that the continuous filing of the representation brings his O.A. within the period of limitation.

4. We have heard the learned counsel as well perused the documents and averments in the O.A.

5. Section 21 of the Act prescribes the period of limitation within which the O.A. has to be filed before this Tribunal. Where the grievance arose, it is within one year from the date of the final order that the O.A. shall be filed and if an appeal or representation has been filed, the cause of action shall arise on the completion of the period of six months thereafter. Thus, the total period of limitation which is available is of 18 months from the date of the grievance of the applicant. The O.A. must be filed within this period, otherwise there is command in Section 21 of the Act under limitation that the Tribunal shall not admit an application which shall be barred by limitation. It has to be remembered that repeated representations shall not give fresh cause of action to an applicant. The cause of action, it appears on perusal of the O.A., arose from 1982 and the last cause of action which arose was in the year 1985. The first representation was filed on 1.9.86. Hence, after six months from 1.9.86, the period of limitation for filing the O.A. expired. Subsequent filing of the representation shall not renew the period of limitation. The period of limitation runs clockwise and not anti-clockwise. As the O.A. is hopelessly barred by limitation and as no application for condonation of delay has been filed, we are of the opinion that according to the provisions of Section 21 of the Act, this O.A. should not be admitted. Had the applicant filed an application for condonation of delay, this court could have applied its mind to the fact whether sufficient cause existed for filing the O.A. beyond the period of limitation.

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Consequently, this O.A., having been filed after the lapse of period of limitation, cannot be admitted under Section 21 of the Act. Consequently, it is dismissed as barred by limitation.

(P.C. JAIN)
(P.C. JAIN) 5/4/1951

MEMBER (A)

(RAM PAL SINGH)
(RAM PAL SINGH) 5.6.51

VICE-CHAIRMAN (J)