

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.NO.1050/91

DATE OF DECISION: 18.02.92.

SH. GANGA RAM

....

APPLICANT

VERSUS

DELHI ADMINISTRATION & ORS.

RESPONDENTS

CORAM:-

THE HON'BLE MR. T.S. OBEROI, MEMBER(J)

COUNSEL FOR THE APPLICANT : SH. R.K. MEHTA

COUNSEL FOR THE RESPONDENTS : SH. M.K. SHARMA

JUDGEMENT

(delivered by Hon'ble Sh. T.S.Oberoi, Member(J)).

In this case, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who was dismissed from service as a Lower Division Clerk, in the office of Deputy Commissioner, Delhi on 12.4.1978, on having been convicted by the learned Special Judge, Delhi, in a case under Section 5(2) Prevention & Corruption Act, has prayed for the grant of subsistence allowance, by setting aside the impugned order of his dismissal, passed by the respondents concerned, and also the order at Annexure-A dt. 2.1.91, by which his last representation to the respondents, claiming the same relief, was rejected.

2. The other relevant details necessary for deciding for the present O.A., are that after involvement in the above said case, and his conviction by the learned Special

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Judge on 22.3.1978, the applicant had filed an appeal before the Hon'ble High Court of Delhi, upon which, he was admitted on bail, on his furnishing a bail bond in the sum of Rs.5000/- with one surety in the like amount to the satisfaction of the trial Judge (Annexure-C to the OA). An intimation about the same was given by the applicant to the respondents concerned, on 5.4.1978 as per Annexure C-1 to the O.A. praying that no further action against him on account of the order of conviction by the learned Special Judge be taken against him. However, the applicant, vide order dt. 12.4.1978 passed by the respondents, was dismissed from service. Thereafter, the applicant applied to the respondents on 15.6.1986, praying for the payment of subsistence allowance to him, presumably on some other cases having been treated likewise, by the respondents concerned (copies at Annexures K&L to the OA). The respondents, however, asked for further information from the applicant, with regard to the present stage of his case, and the same having been furnished by him, declined his request as per Annexure-A dt. 2.1.1991, upon which the present O.A. has been filed.

3. The respondents have opposed the applicant's case, on several grounds, including that of limitation, pointing out that cause of action arose to the applicant on the date the order of dismissal dt. 12.4.1978, was passed, which

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being much prior to 1.11.1982, before which this Tribunal has no jurisdiction to adjudicate the matter, in accordance with the provisions contained in Section 21(2)(a). They have also taken up the plea that each case has to be judged from the facts and circumstances of its own and that no generalisation of the administrative orders, as such, is possible, and that repeated representations do not extend the limitation involved.

4. We have heard the learned counsel for the parties. The learned counsel for the applicant referred to a decision by the Principal Bench of this Tribunal, as reported in 2(1990) ATLT (CAT) P.61 - Ramesh Kumar Vs. Delhi Administration & Anr., in support of his contentions, urging for the prayer, mentioned above. The learned counsel for the respondents on the other hand reiterated the submissions regarding the case being not only time-barred but also beyond the jurisdiction of this Tribunal, in terms of the provisions contained in Section 21(2)(a) of the Administrative Tribunals Act, 1985, also submitting that the case relied upon by the learned counsel for the applicant is not applicable to the present case, as the cause of action in that case pertained to 30.8.1983, that is after the crucial period of 3 years, from coming into force of the aforesaid Act, w.e.f. 1.11.1985. The learned counsel for the respondents also pleaded that as would be apparent, the cause of action in the present case arose on 12.4.1978

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i.e. nearly 14 years ago and the applicant, after his intimation dt. 5.4.1978 (Annexure C-1) kept mum for well over 8 years, when on 15.6.1986, he applied for the payment of subsistence allowance to him, and this alone, due to long lapse of time, in between, should entail dismissal of the present O.A.

5. We have carefully considered the rival contentions, as briefly discussed above. We have also perused the citation referred to by the learned counsel for the applicant, in the case of Ramesh Kumar Vs. Delhi Administration (Sapra), and also some other rulings, referred to in this case, and also orders at Annexure K, L&M to the OA, in which cases of certain persons, ^{stated to be} similarly situated have been dealt with, by granting subsistence allowance to them. After carefully considering the same, we are still of the view that the fact remains that the cause of action in the present case, arose as far back as April, 1978, and as held in S.S. Rathore Vs. State of Madhya Pradesh (AIR 1990 P.10) and also in G.S. Mann Vs. High Court of Punjab & Haryana 1980(4)SCC 266, repeated representations do not extend the limitation. Besides, as per provisions, contained in Section 21(2a) of the Administrative Tribunals Act, 1985, the cause of action having arisen much beyond 1.11.1982, this Tribunal has no jurisdiction to deal with the matter, at present. It is further pertinent to note that after April, 1978, the applicant first made representation for

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✓ payment of subsistence allowance after over 8 years. In
result, the O.A. is dismissed, with no orders as to costs.

T.S. Oberoi, 18.1.57-
(T.S. OBEROI)
MEMBER(J)

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