

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

\* \* \*

O.A. NO. 1315/92

Date of Decision : 04.11.92

Shri Chandermani

...Applicant

vs.

Union of India & Ors.

...Respondents

CORAM

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

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Sh.R.N.Saxena

For the Respondents

...Sh.R.S.Agarwal

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI P.C. JAIN, MEMBER (A))

In this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant, UDC in the Office of Chief Commissioner of Income Tax, has impugned order dt. 29.10.1974 by which he was reverted to the post of L.D.C. w.e.f. 1.11.1974 (Annexure C) and the order dt. 5.12.1990 (Annexure A) by which a revised seniority list of UDCs of Delhi charge, (revised) in pursuance of the judgement of the Tribunal in the case of Rafatullah Vs. Union of India (OA 438/86), was circulated. He has prayed for assigning to him appropriate/due seniority in

(C)

(5)

the grade of UDC over Shri Hari Singh by revoking the impugned order dt. 29/31.10.1974 and for granting him continuity of service in the grade of UDC on the basis of his result in the Ministerial Staff Examination held in July, 1974 wherein he is said to have been declared successfull on 31.10.1974. He has further prayed that he may be granted promotion to the grade of Head Clerk with all financial benefits with reference to his juniors.

2. The respondents have contested the O.A. by filing the reply to which a rejoinder has also been filed by the applicant. We have perused the material on record and also heard the learned counsel for the applicant on the question of maintainability of this O.A.

3. The impugned order at Annexure C was passed in 1974 and the representation made by the applicant in October 1991 (copy at Annexure F) clearly shows (para 2(d)) that his representation in this regard had been rejected by the Board, presumably in 1974 itself, as he has not mentioned the date when he was informed of the rejection. The learned

(1)

(b)

counsel for the applicant contended that he continued to make representation thereafter also, but no formal reply was received. Repeated representations do not have the effect of extending limitation (S.S. Rathore Vs. State of Madhya Pradesh, AIR 1990 SC p-10). Moreover the cause of action accrued to the applicant in this respect before 1.11.1982 and in accordance with the provisions of Sub-Section 2 of Section 21 of the Administrative Tribunals Act, 1985, the Tribunal has no jurisdiction in respect of such a cause of action (V.K. Mehra Vs. The Secy., Ministry of Information and Broadcasting, New Delhi, (ATR 1986 (1) CAT p-203). The applicant was required to approach a competent court of law within the period of limitation prescribed under Limitation Act, 1963 in respect of the cause of action which accrued to him when his representation against his reversion to the post of LDC was rejected. The claim in this regard is not only hopelessly time barred, but is also outside the jurisdiction of the Tribunal.

4. As regards the challenge to the seniority list

(See)

(7)

circulated by the letter dt. 5.12.1990 (Annexure A),  
the applicant has claimed, as already stated above,  
seniority over one Shri Hari Singh. He has not been  
made a party to the O.A. though in terms of the prayer,  
he is a necessary party. In this regard, the O.A. suffers  
for non joinder of parties and as such is not maintainable.  
In view of the above, the Original Application  
is dismissed as not maintainable leaving the parties to  
bear their own costs. Needless to state that if in  
regard to the impugned seniority list, the applicant  
feels aggrieved, he can work out his rights and take  
appropriate proceedings in accordance with law, if so  
advised.

AKS

*J. P. Sharma*  
(J.P. SHARMA)  
MEMBER (J)  
04.11.1992

*C. C.*  
(P.C. JAIN)  
MEMBER (A)  
04.11.1992