

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. No.1644/92

Date of decision:03.02.1993.

Sh. Liaq Ram Rana

.... Applicant

Versus

Union of India & Another

.... Respondents

Coram:-

The Hon`ble Mr. P.C. Jain, Member(A)

The Hon`ble Mr. J.P. Sharma, Member(J)

For the applicant

: Sh. Ashish Kalia, proxy
counsel for Sh.R.L.Sethi,
counsel

JUDGEMENT(ORAL)

The applicant in this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, contends that he was appointed as Peon in the office of Superintending Engineer, Delhi Administration, Circle-I, C.P.W.D. w.e.f. 7.10.1963. In pursuance of circular dated 8.4.1964 (Annexure A-3) from the office of Superintending Engineer, Delhi Central Elect. Circle No.1, C.P.W.D., New Delhi to the effect that some vacancies of LDCs have fallen vacant in that circle, ^{Cu.} The applications of qualified candidates for the post of LDCs from Class-IV (Regular), having minimum speed of 30 w.p.m. were invited.

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2. It is the case of the application ^{con-}~~tion~~ that he applied for the same and he was selected and thereafter offered the appointment to the post of LDC which he joined on 24.11.1964. The memorandum dated 16.11.1964 (Annexure A-5) in connection ^{U. L. L. L.} ~~that~~ the above offer shows that the post offered to the applicant was purely temporary post and that he was on probation for a period of 2 years, and ^{subject-h-C.} another condition mentioned therein. He, however, was reverted from the post of LDC to that of Peon by memo dated 14.10.1965 (Annexure A-6). He was again promoted as LDC on 23.11.1968 but a copy of his promotion has not been brought on record. The applicant has prayed that the "the period of arbitrary reduction-in-rank from 14.10.1965 to 28.11.1968 be notionally repeated as Lower Division Clerk for the purpose of seniority and giving continuity in service to the post of Lower Division Clerk."

Notice was issued to the respondents but none appeared though served. We have carefully perused the material placed by the applicant, particularly on the maintainability of this O.A.

3. The applicant can get the relief prayed for only if either his reversion order from the post of L.D.C. to the post of Peon passed on 14.10.1965 is quashed, or he is deemed to have worked continuously on the post of L.D.C. even during the period from 14.10.1965 to 28.11.1968. In the first case, the applicant should have assailed the order of reversion within the prescribed period of limitation. ^{U.} The cause of action ~~can~~ accrued in this respect on or after


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14.10.1965. In the other case, he should have approached the competent Court on or after 23.11.1968 when he is said to have been repromoted to the post of L.D.C. The only representation which has been placed on file as Annexure A-7 in this regard is dt. 7.11.1991 i.e. after more than 20 years of the cause of action having accrued to the applicant. The rejection of such a representation by memorandum dt. 3.12.1992 (Page 9 of the paper-book) cannot ^{be} ~~be~~ given a fresh cause of action under Law, particularly for the relief prayed for in this O.A. Thus, the O.A. is not only hopelessly barred by limitation, the Tribunal has also no jurisdiction in the matter as the cause of action accrued prior to 3 years ^{of coming} and ~~came~~ into effect of the Administrative Tribunals Act, 1985 ^{as per} ~~in~~ provisions of sub-section(2) of Section 21 of the Act *ibid*. The O.A. is accordingly dismissed as not maintainable at the admission stage itself.


(J.P. Sharma)

Member(J)


(P.C. Jain)

Member(A)