

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH.

O.A. No. 3156/92.
&M.A. No. 4097/92.

(19)

NEW DELHI, THIS THE ~~20~~ ¹⁴ DAY OF MARCH, 1998.

HON'BLE MR. JUSTICE K.M.AGARWAL, CHAIRMAN.

HON'BLE MR. R.K.AHOOJA, MEMBER (A).

R.K.Mehra,
S/o Late Shri Mehar Chand,
Senior Economic Investigator,
Office of the Economic Adviser,
Ministry of Industry, New Delhi
R/o BB/8F Janakpuri,
New Delhi 110 058.

.... Applicant.

(By Advocate Shri K.N.R.Pillai)

Vs.

1. Union of India,
through the Secretary,
Department of Industrial Development
Ministry of Industry,
Udyog Bhavan, New Delhi.
2. The Economic Advisor to the
Govt. of India,
Ministry of Industry
Udyog Bhavan, New Delhi.
3. Union of India
through the Secretary
Dept. of Economic Affairs
Ministry of Finance
New Delhi.
4. Shri S.P.Rai
Research officer
on Deputation to DDA
R/o 777 Sector 8, R.K.Puram,
New Delhi.
5. Shri Suraj Bhan,
Research Officer
Office of the Economic Advisor
Ministry of Industry, New Delhi.
6. Shri Raghuvir Prasad
Research Officer
C/o Office of the Economic Advisor
Ministry of Industry
New Delhi.
7. Shri G.Prabodh Kumar
Research Officer
C/o Office of the Economic Advisor
Ministry of Industry, New Delhi. Respondents.

Km (SHRI N.S. MEHTA, SR-STANDING COUNSEL FOR
RESPONDENTS 1 to 3)

ORDER

(20)

Justice K.M.Agarwal:

By this O.A. the applicant seeks a direction to the respondents to treat his officiating service as Senior Economic Investigator from 25.7.1967 as regular service for the purpose of counting his seniority in the grade with consequential revision of his eligibility date in the "Integrated List of Feeder Post Holders for the Indian Economic Service"; and after such revision, to give him all consequential benefits including promotion to the next higher grade, arrears of pay and allowances etc. etc. The application was apparently barred by time and, therefore, the said M.A. No.4097/92 for condoning the delay was also filed. After notice to the respondents, as would appear from the order sheet dated 29.4.1993, the case was directed to be listed for hearing on limitation on 10.6.1993. On 10.6.1993, the case was admitted for hearing with a direction to list it "for final hearing in its turn subject to limitation." This is how we first heard the learned counsel for the parties on limitation when the case came up for final hearing on 17.3.1998 and reserved it for orders.

2. Admittedly the applicant was shown ad hoc in the seniority list that was published in 1988. He appealed to the Economic Adviser, which was rejected on 11.10.1988 by order Annexure A-VIII. A representation was made on 29.8.1991, which was rejected by the impugned order dated 13.1.1992, Annexure A-X. The applicant claims limitation from 13.1.1992 and in the alternative, prays for condoning the delay.

3. In S.S. RATHORE Vs. STATE OF MADHYA PRADESH, *Km* A.T.R. 1989 (2) S.C. 335 = AIR 1990 SC 10, the Supreme

Court held that :

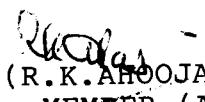
(21)

"...the cause of action shall be taken to arise not from the date of the original adverse order but on the date when the order of the higher authority where a statutory remedy is provided entertaining the appeal or representation is made and where no such order is made, though the remedy has been availed of, a six months period from the date of preferring of the appeal or making of the representation shall be taken to be the date when cause of action shall be taken to have first arisen..... Repeated unsuccessful representations not provided by law are not governed by this principle".

In the instant case, the appeal was rejected on 11.10.1988. There was no further representation provided in the rules. Even otherwise, the representation was made on 29.8.1991, i.e., after expiry of the period of more than 2 years 10 months. Accordingly the applicant cannot claim limitation from the date of rejection of his alleged representation. Further, no case is made out for condoning the delay in filing the application. Accordingly M.A. No.4097/92 for condoning the delay is hereby rejected.

4. In the result, the O.A. is hereby dismissed as barred by time. No costs.


(K.M. AGARWAL)
CHAIRMAN


(R.K. AHOOJA)
MEMBER (A)