

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1121 of 1993

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New Delhi, dated this the 28th JULY 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. P.C. KANNAN, MEMBER (J)

Shri R.C. Malhotra,
S/o late Shri Tikku Ram,
39/1, Ashok Nagar,
New Delhi-110018.

... Applicant

(By Advocate: Shri D.R. Gupta)

Versus

Union of India through
the Secretary,
Ministry of External Affairs,
New Delhi.

... Respondent

(By Advocate: Shri N.S. Mehta)

ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant seeks a direction to respondents to treat him as having been inducted into Gr. III of Stenographers Sub Cadre of IFS (B) w.e.f. 3.4.71 i.e. the date of his initial appointment as Steno-Typist with consequential benefits.


2. This O.A. is grossly time barred and squarely hit by limitation and lack of jurisdiction under the relevant sections of A.T. Act. Respondents in their reply have stated that the whole claim is based on correspondence in which they last replied on 23.3.74 which is beyond the limitation period. There is no denial to this in any

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rejoinder filed by applicant. Annexure I to the O.A. is a copy of a seniority list of officers belonging to Gr. III of Stenographers Sub-Cadre of IFS (B) as on 1.7.81 which shows applicant appointed to that grade on 12.11.75. If he was aggrieved by that seniority list he should have approached the competent forum but there is nothing to show that he did so well in time. His representation dated 16.2.93 (Ann. A-4) itself shows that after he submitted his representation in April, 1979, he did not follow it up, but sat quiet till 16.2.93, that is for nearly 14 years. Respondents' Memo dated 16.9.93 (Annexure A-1 rejecting his representation dated 23.2.93 submitted by him in continuation of his representation dated 14.2.93 does not give him a fresh cause of action.

3. This O.A. is squarely hit by the ratio of the Hon'ble Supreme Court's judgment in R.C. Samanta's case J.T. 1993 (3) S.C. 418, and in the particular facts and circumstances of this case neither does the Hon'ble Supreme Court's order in B.D. Verma Vs. UOI (1997) 10 SCC 433, nor in Shyam Sundar's case cited by applicant's counsel Shri D.R. Gupta advance applicant's claims.

4. The O.A. is dismissed. No costs.


(P.C. KANNAN)
MEMBER (J)


(S.R. ADIGE)
VICE CHAIRMAN (A)

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