

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 1128/93

Date of decision: 26.05.1993.

Shri S.L. Pahwa

...Petitioner

Versus

Union of India

...Respondents

Coram      The Hon'ble Mr. I.K. Rasgotra, Member (A)  
                  The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

In person

Judgement(Oral)

The grievance of the petitioner is that his immediate junior Shri M.K. Leekha was promoted as Superintendent of Central Excise w.e.f. 9.12.1983 after he was exonerated of the charges for which he has been chargesheeted earlier. The petitioner was promoted as Superintendent of Central Excise on 5.9.1983 yet his immediate junior Shri Leekha was drawing higher pay than the petitioner as Shri Leekha was given increment in his scale on first April whereas the petitioner was given on the first May. Thus the immediate junior draws higher pay by one increment for one month than the petitioner every year. The cause of action for the petitioner arose in 1983. The petitioner submits that he kept on making representations to the authority concerned which were finally rejected only in April, 1993. A perusal of the rejection letter indicates that the respondents had rejected his case for antedating his increment with reference to his junior vide letter No.A-26015/19/90-III dated 11.12.1990. Thereafter the petitioner persisted with his representations and the respondents gave him the reply in April, 1993 in response to his representations dated 18.11.92 and 9.3.93. The rejection letter of 10.4.92 is in response to his representation dated 14.2.1991. It is well settled that

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the repeated representations do not extend limitation (S.S. Rathore v. State of M.P. AIR 1990 SC 10). The petitioner's representation was first rejected vide order of the Ministry dated 11.12.1990. He has filed this O.A. only on 19.5.1993. In the circumstances the O.A. is not maintainable, as it is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985.

2. At this stage the petitioner submits that he would like to withdraw the O.A. The same is dismissed, as withdrawn. No costs.

J. P. Sharma  
(J.P. SHARMA)

MEMBER(J)

26.5.93

I. K. Rasgotra  
(I.K. RASGOTRA)

MEMBER(A)

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