

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

MA-19/94  
OA No. 2403/93

New Delhi this the 2nd Day of May, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

Ishwar Singh  
S/o Sh. Bhim Singh,  
Electric Khalasi, Working  
under Senior Electric  
Engineer, Construction-I,  
Northern Railway,  
Shivaji Bridge,  
New Delhi-110034.

...Applicant

(By Advocate Sh. C.B. Singh)

Versus

Union of India through:

1. The General Manager (Personal)  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, D.R.M. Office,  
New Delhi.

...Respondents

(By Advocate Sh. B.K. Aggarwal)

ORDER (Oral)  
(Mr. N.V. Krishnan, Vice-Chairman (A))

We have heard the learned counsel for the parties. The learned counsel for the applicant states that the applicant was called for a selection in pursuance of the Annexure 'B' order dated 8.5.91, in which he appeared. In the first instance, the result was published on 31.8.91 (Annexure D-1) in which his name was included as having qualified against the 25% quota. However, in the subsequent list dated 30.10.91 (Annexure D) his name has been omitted.

2. Being aggrieved, he filed a representation dated 5.12.91 which is at Annexure-E. This was followed by subsequent representations also. The last such representation is of 4.3.93.

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3. The applicant has also filed an MA for condonation of delay in which he had enclosed <sup>a</sup> letter of July, 1993 of the Divisional Railway Manager, addressed to the Chief Engineer (Construction) forwarding the applicant's representation.

4. As the grievance had arisen on 30.10.91 when the applicant's name was deleted from the list of selected candidates, the question arose as to whether this OA is barred by limitation.

5. We have heard the learned counsel for the parties. The learned counsel for the applicant states that his representations have been forwarded by the departmental authorities for consideration of the higher authorities and that, therefore, the matter is still under correspondence and hence the OA is not barred by limitation.

6. We are unable to agree. If a representation has been filed and within six months no reply is received thereto, limitation would run from the expiry of such six months and the application ought to have been filed within a period of 12 months from the expiry of such six months. That is the provision of Section 21 of the Administrative Tribunals Act, 1985. In so far as repeated representations are concerned, it has been held by the Supreme



Court in S.S. Rathore vs. State of MP (AIR 1990 SC 10) that this will not help in extending the period of limitation. In the circumstances, we find that the OA is barred by limitation. The reasons given in the MA are not satisfactory to condone the delay. Accordingly the MA is dismissed.

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7. Consequently, the OA is also dismissed, as barred by limitation. No costs.

*A. Vedavalli*

(Dr. A. Vedavalli)  
Member(J)

*N.V. Krishnan*  
2/5/15

(N.V. Krishnan)  
Vice-Chairman

'Sanju'