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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 1st DAY OF JANUARY 1997

Original Application No. 747 of 1996

HON.MR. S. DAS GUPTA, MEMBER(A)

HON.MR. T.L. VERMA, MEMBER(J)

Mukatar Ahamad Ansari, son of
Sri Manzoor Haq Ansari, resident
of mohalla kazipur, post office
Vhadohi, District Bhadohi

Applicant

Versus

1. The Union of India through the
Secretary, Govt. of India,
Ministry of Commerce, New Delhi
2. The Development Commissioner for
Handicrafts, Ministry of Commerce
West Block No. VII, New Delhi.

Respondents

O R D E R (oral)

HON.MR. S. DAS GUPTA, MEMBER(A)

Heard the learned counsel for the applicant on
admission.

2. The applicant in this OA has sought a direction to
respondent no. 1 to consider and decide his
representation dated 9.9.94 filed by him for setting
aside an order dated 3.10.82 by which his services were
terminated.

3. The applicant had earlier filed an OA no. 178/86
challenging the aforesaid order of termination. That OA
was dismissed by a bench of the Tribunal by the judgment
and order dated 9.7.86 on two grounds, firstly, that the
applicant had not exhausted the departmental ~~of the~~
remedies available to him and secondly, that the
application was barred by limitation.

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4. It appears that thereafter the applicant had filed the representation dated 9.9.94 and as there is no response to the same, he has sought the direction that the same be considered and disposed of.

5. The cause of action in this case had clearly arisen in 1982 when his services were terminated. The OA filed in 1986 was dismissed inter alia on the ground of limitation and also on the ground that the cause of action had arisen more than three years prior to the Administrative Tribunal Act 1985 having come into force. This order was passed on 23.8.91. Three years after that the applicant ^{seems} ~~since~~ to have filed a representation ^{is now} and seeking a direction for disposal of the same.

6. The case originally filed by the applicant was barred by limitation as well as not maintainable before the Tribunal ~~and~~ the cause of action having arisen more than three years prior to the coming into force of the A.T. Act 1985. The subsequent representation if any does not extend the period of limitation particularly when there is no statutory provision for a representation against an order of termination. Moreover, even this representation has been filed more than ^{two} ~~three~~ years after even a review application was disposed of

7. In view of the foregoing the present application is wholly time barred and is dismissed accordingly.

Thomas
MEMBER (J)

W. E.
MEMBER (A)

Dated: 1st January, 1997

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