

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 25TH DAY OF NOVEMBER, 1997

Original Application No. 871 of 1996

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.D.S.BAWEJA, MEMBER(A)

Durga Charan, aged about 47 years  
Son of Shri Heera Lal, resident of  
101, Unnao Gate, Jhansi.

... . Applicant

Versus

1. Union of India through General Manager  
Central Railway,  
Mumbai CST.
2. Divisional Railway manager  
Central Railway  
Jhansi
3. N.K. Litoria,  
Carriage & Wagon Superintendent  
Carriage & Wagon Depot  
~~Central Railway~~  
Central Railway, Bina(M.P.)
4. R.D. Sharma,  
Carriage & Wagon Superintendent  
Control Office, Central Railway  
Agra Cantt.

... . Respondents

O R D E R (Oral)

JUSTICE B.C.SAKSENA,V.C.

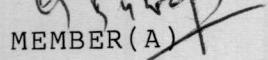
Through this OA the applicant claims a relief of promotion w.e.f. 1.1.84 from which date according to him his juniors have been promoted to Gr. Rs.2000-3200. It was put to the learned counsel for the applicant to indicate why this petition be not dismissed on the ground of being barred by limitation. The cause of action admittedly had accrued on 1.1.84 but the applicant made his first representation on 21.11.94 which was replied to by Annexure 2 to the OA. The learned counsel submits that the order rejecting the representation is dated 6.12.94, the petition is not barred by limitation. It is settled law that a reply to a belated representation does not afford a fresh cause of action. The cause of action ~~based~~ <sup>has</sup> to be determined on the basis of the relief claimed. The relief claimed by the applicant is for promotion

BCR

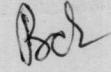
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w.e.f. 1.1.84. This petition has been filed on 1.1.96 after a lapse of 12 years.

2. In view of the above, the OA is dismissed summarily as the OA being highly barred by limitation.



MEMBER (A)



V.C.

Dated: 25th November, 1997

Uv/