

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.1516 of 1998.

Allahabad this the 04th day of December 2003.

Hon'ble Maj Gen K.K. Srivastava, A.M.
Hon'ble Mr. A.K. Bhatnagar, J.M.

Lalit Prakash
T.G.T
Ordnance Factory, Inter College,
Muradnagar, District Ghaziabad.

.....Applicant.

(By Advocate : Sri Narendra Mohan)

Versus.

1. Union of India
through the Secretary
Ministry of Defence
Govt. of India, Sena Bhawan,
New Delhi.
2. The Chairman
Ordnance Factory Board
10 A, Khudi Ram Bose Road,
Calcutta.
3. The General Manager
Ordnance Factory Muradnagar,
District Ghaziabad.
4. The Principal
Ordnance Factory Inter College,
Ordnance Factory Muradnagar
District Ghaziabad.

.....Respondents.

(By Advocate : Km. S Srivastava)

O R D E R

(By Hon'ble Maj Gen K.K. Srivastava, A.M)

In this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for direction to respondents to promote the applicant w.e.f. 15.02.1980 i.e., the date from which he was eligible for the post of T.G.T and a person junior to him was

promoted. Applicant has further prayed for direction to fix the pay scale accordingly w.e.f. 15.02.1980.

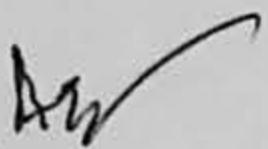
2. The facts, in short, are that applicant ^h was joined ^h the respondent's establishment as Primary Teacher on 03.01.1972. With due permission of respondents, he passed B.A. in 1978 and also passed B.Ed in 1979. The D.P.C. for promotion to the post of T.G.T. was held in October 1979. The grievance of the applicant is that his case has not been ^h ~~in per law~~ considered ~~illegally~~ because once he submitted all the due certificates his case should have been considered.

3. We have heard counsel for the parties and perused the records.

4. The applicant has claimed for promotion w.e.f. 15.02.1980, the date on which one Smt. Sushma Rani was promoted as T.G.T. The applicant was subsequently promoted as T.G.T. in 1984. The argument of the applicant is that he kept on representing the respondents but since no final decision was taken on his representation he had no option but to approach the Tribunal. We are not inclined to accept this argument. The cause of action arose to the applicant in Feb. 1980 when Smt. Sushma Rani was promoted. Even if we accept the date of first representation dated 17.03.1980 for limitation purposes, we have no hesitation to observe that the O.A. is grossly time barred under section 21 of Administrative Tribunals Act 1985. The controversy is regarding promotion ordered ^h ⁱⁿ ~~on~~ Feb. 1980. The Central Administrative Tribunal came into existence

in November 1985. Under Section 21 (ii) (a) of Administrative Tribunals Act 1985, also, the cases pertaining to controversy which arose ^{up to} 3 years before the existence of this Tribunal i.e. ~~prior to~~ November 1982 are only admissible. Since the controversy in this O.A. pertains to year 1980 i.e. prior to November 1982 this O.A. is not maintainable.

5. In view of the above, the O.A. is dismissed with no order as to costs.


Member-J


Member-A.

Manish/-