

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 820 of 1998

Allahabad this the 12th day of January, 2004

Hon'ble Mr.V.K. Majotra, Vice Chairman,
Hon'ble Mrs.Meera Chhibber, Member (J)

Surendra Singh Rajput, Son of Shri Laxaman Singh,
resident of House No.336, Kachchipura, Dahana,Agra
Act, (Near Pachmukhi Mandir Agra Cank.)District Agra.

Applicant

By Advocate Shri I.M. Kushwaha

Versus

1. Union of India through Secretary, Defence Ministry New Delhi.
2. Officer Admin Comdt.CL-I Head Quarter 50(I)
4 Para Bde, C/o 56 A.P.O. Agra Cant.Agra.
3. Manoj Kumar Srivastava, r/o House No.36/47-D/
1013/9 Dwarika Road, Himanchal Colony, Agra,
at present posted Civilian Painter, Gun Factory,
Fazalganj, Kanpur.

Respondents

By Advocate Shri R.C. Joshi

O R D E R (Oral)

By Hon'ble Mr.V.K. Majotra, Vice Chairman

The applicant has sought direction to
the respondents on the post of Civilian Painter,
recruitment process for which was undertaken in
the year 1992 by the respondents. It is stated
that the applicant had appeared in the written
test alongwith 20 other candidates. 3 candidates
namely S/Shri Surendra Singh Rajput, Manoj Kumar
Srivastava and Rajesh Kumar Gupta were finally

qualified in the written test. The applicant was at serial number 1. He was declared fit by the Medical Board on 25.11.1992. However, respondents provided employment to respondent no.3-Manoj Kumar Srivastava although he was found medically unfit. Learned counsel of the applicant stated that the applicant had filed various representations since December, 1992 but respondents have not taken any action in appointing him in place of respondent no.3.

2. On the other hand learned counsel of the respondents stated that although earlier respondent no.3 was found temporarily unfit medically, subsequently on reference to Chief Medical Officer, he was found fit and as he was the most suitable candidate he was selected and provided appointment. It has been stated on behalf of the respondents that the present O.A. is highly barred by limitation and is liable to be dismissed on this ground alone.

3. The applicant has stated to have made several representations to the respondents regarding his superior claim for appointment as Civilian Painter. The selection pertains to the year 1992. The applicant has, admittedly, slept over his rights, if there were any, for several years. He ought to have pursued his right promptly and not slept over his rights. Repeated representations do not enlarge the period of limitation. For these observations, we draw support from the following:-

1. S.S. Rathore Vs. State of M.P. A.I.R. 1990 S.C. 10.
2. Bhoop Singh Vs. Union of India and Others J.T. 1992(3) S.C. 322.

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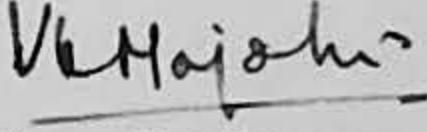
3. Ex.Capt.Harish Uppal Vs. Union of India and Others J.T. 1994(3)S.C. 126.

4. A. Hamsaveni and Others Vs. State of Tamilnadu and others 1994 S.C.C.(L&S) 1277.

4. This O.A. is certainly time barred, cause of action for the applicant having arisen in the year 1992 while the present O.A. was filed in the year 1998. Not only that, this O.A. is liable to be dismissed on the ground ^{of h} being barred by limitation, even otherwise this O.A. has no merit as the respondents have chosen a more meritorious candidate who was found medically fit at a little later stage. The O.A. is dismissed accordingly. No order as to costs.


Member (J)

/M.M./


Vice Chairman

12.01.04