

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 4TH DAY OF JULY, 2001

Original Application no.755 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA,A.M.

S.R.hasan, S/o Late Shri S.A.Hasan  
Commissioner Custom & Central Excise(Appeal)  
Ghaziabad (UP)

... Applicant

(By Adv: Shri U.K.Mishra)

Versus

1. Union of India through  
The Secretary, Ministry  
of Finance, Deptt. of Revenue  
New Delhi.
2. Central Board of Excise &  
Custom, Ministry of  
Finance, North Block,  
New Delhi.
3. Shri Chandra Sen,  
Commissioner Custom & Central Excise  
Raipur.
4. Vijay Kumar Jain  
Commissioner Custom & Central  
Excise, Indore.

... Respondents (

(By Adv: Shri R.C.Joshi)

O R D E R(oral)

JUSTICE R.R.K.TRIVEDI,V.C.

This OA has been filed u/s 19 of A.T.Act 1985 challenging the Annual Confidential report of 1971-72 to 1976 ~~to~~ 1977. Against the aforesaid ACRs applicant filed representation before the Departmental Authorities which were rejected by order dated 10.5.1996. This OA has been filed on 24.5.2001 i.e. after five years. The OA is highly time barred. The learned counsel for the applicant then submitted that the representation was filed again by the applicant which has been rejected by order dated 08.3.2001 and thus the OA is within time.



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We have considered this aspect of the case also. However, we do not find any merit. The cause of action arose to the applicant in 1996 when the representations of the applicant against the adverse entries were rejected. The limitation started running from that date which could not be arrested by making another representation which was rejected subsequently. Further the applicant by means of this OA wants to challenge the adverse entries of ACR given to him during the period 71-72 to 76-77. For this reason also, if the representations were kept pending by the Departmental Authorities it was not necessary for the applicant to wait. He could have <sup>challenged entries before court</sup> ~~filed OA immediately~~ <sup>or reasonable time</sup> ~~after expiry of six months~~.

The learned counsel also submitted that a similar matter has been admitted by the Principal Bench of this Tribunal in case of 'Smt. Vijay Zutshi'. The order of admission has been placed before us. The order admitting OA is not a final order and is not binding on us so as to follow in another case. The order of the Principal Bench admitting the OA <sup>just</sup> ~~just~~ does not help the applicant in the present case.

The OA is accordingly rejected as time barred. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 4.7.2001

Uv/