

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 884 of 2001

Allahabad this the 26th day of July, 2001

Hon'ble Mr. S.K.I. Naqvi, Member (J)
Hon'ble Maj.Gen.K.K. Srivastava, Member (A)

Veer Singh Chak Son of Shri Dwarika Prasad, resident
of 49, Awas Vikas Colony, Shahjahanpur.

Applicant

By Advocate Shri Shyam Kumar

Versus

1. Union of India Ministry of Defence, through
Secretary, Ministry of Defence, New Delhi.
2. Additional Director General, Ordnance Factory,
Kanpur.
3. General Manager, Ordnance Clothing Factory,
Shahjahanpur.

Respondents

By Advocate Shri J.N. Sharma

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The main grievance of the applicant is
that inspite of his being member of S.C. community,
he is not being so acknowledged by the department to
allow him benefit for the same.

..... pg. 2/-

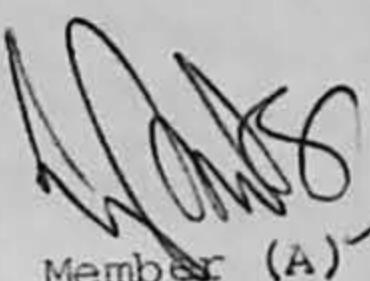
SCW

2. As per applicant's case he joined as Chargeman in Ordnance Clothing Factory, Shahjahanpur. During the course of service he obtained S.C. certificate from the competent authority in the year 1990 and filed it with respondent no.3 to enter the same in his service record. The applicant moved several representations requesting that entry be made at the earliest so as he may get due benefit on account of being from reserved community. His application dated 16.02.91 was rejected by the order dated 03.12.1992. The applicant made fresh representation on 30.11.93 which was considered and vide letter dated 01.02.1994 the Work Manager informed him that his claim has been accepted and an entry of S.C. has been made in his Service Book. He was allowed promotion in the year 1996, but treating him as general candidate and not as reserved community candidate. The applicant has a claim that had he been promoted at the due time giving him the benefit of being member of S.C. community, he ought to have been promoted ^{much earlier than} ~~in~~ the year 1996 and he would have retired as Foreman, but he retired on 31st January, 1998 from the post of Assistant Foreman-I. Now, he has come up seeking relief to the effect that the respondents be directed to decide his claim for promotion giving benefit of S.C. reservation.

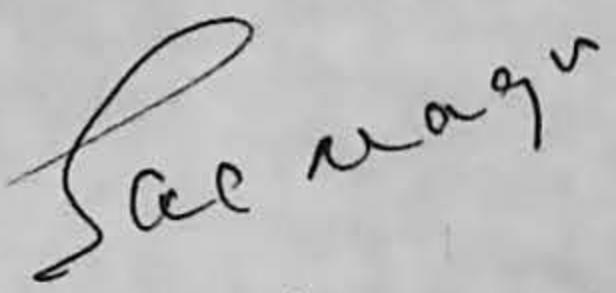
3. As per the own case of the applicant, cause of action first accrued to him in the year 1991 when he submitted S.C. certificate, but the same was not entered in his service record, thereafter cause of action accrued in the year 1994 when he could have

:: 3 ::

been promoted if taken as S.C. candidate, and thereafter in the year 1996 when he was promoted to the post of Assistant Foreman-I, whereas he should have been promoted to the post of Foreman, if considered as reserved candidate, and now he has come up before the Tribunal in the year 2001 i.e. much after the period of limitation as provided under Section 21 of the Administrative Tribunals Act, 1985 and, therefore, we decline to take cognizance of this time barred O.A., for which there is no prayer for condonation. Repeated representations will not extend the period of limitation. The O.A. is dismissed accordingly. No order as to costs.



Member (A)



Member (J)

/M.M./