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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Review application no. 42 of 1986

in

Original application no. 512/86

Mohan Lal Sharma

applicant.

Vs.

Union of India and others

Respondents.

Hon'ble D.S. Misra, A.M.

Hon'ble G.S. Sharma, J.M.

(Delivered by Hon'ble D.S. Misra)

This is a review application against the judgment and order dated 28.10.1986 dismissing the application being barred under Section 21 of the A.T. Act XIII of 1985.

2. This review petition was filed on 12.12.86 and has been adjourned from time to time at the instance of the applicant. No one for the applicant was present on the last but one date of hearing and none was present even on the last date. We have, therefore, decided to pass an order after hearing the learned counsel for the Opp. party. The main contention of the applicant is that the applicant was not given opportunity to make submissions on the question of the application being barred by limitation and that the plea of limitation was not taken by the respondents in their reply. The applicant has further contended that the limitation should be reckoned w.e.f. the date of the last representation (8.9.86) made by the applicant to the respondents. We have considered the matter again. In the claim petition the applicant had challenged the seniority contained in the order dt. 24.9.83 (annexure 8 of the claim petition) which was passed in pursuance of the order dated 3.2.83 (copy at annexure 6

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to the claim petition) laying down the principle of assigning of seniority to Ex-G Shop Commercial Clerks promoted as Guard. On his own admission the applicant made a representation on 16.11.1983 and he was informed by D.R.M.(P) Jhansi vide letter dated 12.1.1984 that the seniority notified vide letter dated 24.9.83(copy annexure 8 of the petition) was the correct seniority. In our opinion this is the final order of the competent authority on the subject of his seniority. The applicant appears to have made another representation on 25.7.84 addressed to C.P.O. Bombay through D.R.M.(P) Jhansi on this subject and the letter dated 8.9.86 is also addressed to the same authority. In our opinion the order passed by D.R.M.Jhansi on 12.1.1984 on the applicant's representation dated 6.11.1983 is the final order of the competent authority and the applicant has no right of appeal against this order to any other higher authority. We are, therefore, unable to accept the contention of the applicant that the period of limitation under section 21 of the A.T. Act in this case should be counted with reference to his last representation dated 8.9.86. We are ~~of~~ ^{to be} of the opinion that the relevant date in this case would be 12.1.1984, the date of final order passed by the D.R.M.Jhansi, or the date of receipt of this letter by the applicant. We are also of the opinion that even though the plea of limitation has not been raised by the respondents in their reply, it is our duty to examine an application under section 19 of the Act, from the point of view of its having

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been filed within the period of limitation prescribed under section 21 of the A.T.Act. In the present case, we had examined the applicatinn according to law and passed the order under review.

For the reasons mentioned above, we come to the conclusion that there is no merit in this review applicatinn and thesame is rejected.

[Signature]
25.9.86
A.M.

[Signature]
25/9/87
J . M .

JS/25.9.87.