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Central Administrative Tribunal, Allahabad.

Registration No. O.A. 532 of 1986.

Iqbal Ahmad

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Applicant

Vs.

Union of India and others

Respondents.

Hon. D.S. Misra, AM

Hon. G.S. Sharma, JM

(By Hon. G.S. Sharma, JM)

This application under section 19 of the Administrative Tribunals Act XIII of 1985 is directed against the order dated 20.3.1971 discharging the applicant, who was working as Ty. L.D.C. in the office of the Records Corps of Military Police, Faizabad after giving him one month's notice under rule 5 of the Civilian in Defence Services (Temporary Service) Rules, 1949. The applicant had sent a representation/letter on 29.7.1971 for withdrawing this order but the same was rejected by the Adjutant General on 9.9.1971, copy Annexure I. His other petition dated 17.7.1973 was also rejected on 8.8.1973 by the Adjutant General. The applicant further made a representation on 28.5.1974 but it too was rejected on 22.8.1974 by the Under Secretary to the Government of India. The petition dated 28.1.1985 sent by the applicant was rejected on 19.10.85 by the Senior Record Officer and another petition dated 11.11.1985 sent by the applicant was rejected on 4.3.1986 by the Provo Marshal/PM. There is yet another order dated 2.4.1986 of Provo Marshal/P.M. -enclosure 1, rejecting the petition dated 24.3.1986 of the applicant against the order of his discharge. In our opinion, the application filed by the applicant is badly time barred. The order dated 2.4.1986 passed by the Provo Marshal/P.M. cannot give a fresh cause of action to the applicant as his earliest petition was rejected on

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9.9.1971. At the most, the limitation has to be considered from the date of the rejection of his first representation/petition. The application is accordingly rejected summarily.

Sharma
7.10.1986
Member(A)

Sharma
7.10.1986
Member(J)

Dated 7.10.1986
kkb