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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Registration(OA) no.1242 of 1987

Mohd. Hanif. ... applicant.

Versus

Union of India and another ... Respondents.

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

Hon'ble G.S.Sharma,JM.

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

In this application under Section 19 of the A.T.Act XIII of 1985, the applicant has sought a declaration that the applicant is a highly skilled Fitter Grade II in the Machine Shop w.e.f. 22.9.1979 with all consequential benefits of arrears of pay and allowances, seniority and further promotions. As the application was prima facie beyond limitation, a show cause notice was issued to the respondents to file objections,if any.

2.We have heard learned counsel for the applicant on the question of limitation. It is pointed out on behalf of the applicant that the cause of action arose on receipt of letter dated 8.7 87 of CWM(W) N.Rly. Loco CB, LKO(copy annexure A 12)in which the applicant has been informed that after the cadre review, the post of Tool Maintenance Fitter does not exist anywhere and the applicant was to be re-deployed preferably in his original trade on administrative interest and that he should be given his consent for absorption in the Machine shop. We have carefully considered this contention and perused the documents on record. This letter

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does not relate to the grievance of the applicant regarding his non-promotion w.e.f. 1979. The applicant's grievance is against the order dated 21.9.1979(copy annexure A2) and order dated 23.9.83 (copy annexure A3) by which some persons working in the Machine Shops were promoted to higher posts. The applicant appears to have made representation regarding merger of his seniority in the Machine Shop and a final reply was given to him vide letter dated 8.5.84(copy annexure A 8). He claims to have made representations again in 1984 and 1986, but these representations do not extend the period of limitation. The entire position becomes clear from a perusal of the written statement filed by the respondents, in which it is stated that the applicant was working in the TT Shop and the seniority of persons working in the Machine Shop is maintained separately from T.T.Shop. The representations made by the applicant during the years 1983-84 were regarding merger of his seniority in the T.T.Shop with that of persons working in the Machine Shop and his representations dated 9.4.84/ 23.4.86 were finally disposed of by the letter dated 8.5.84. The respondents have also denied the receipt of any/<sup>other</sup>representation.

3. On a careful consideration of the facts and circumstances of the case, we are of the opinion that in this case the cause of action arose on or about 8.5.84, when the representation of the applicant was disposed of finally. The representations alleged to have been made by the applicants subsequently <sup>do</sup> not have the effect of extending limitation. As this application was filed on 21.12.1987, it is highly

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belated and is not fit for admission under Section 21 of the ATAct of 1985.

The application is rejected at the admission stage without any order as to costs.

*J. M.*  
J.M.

*A. M.*  
A.M.  
20.7.80

JS.20.7.88