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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

REGISTRATION O.A.NO. 143 of 1987

Nihori Lal Applicant
Vs.

Employees State Insurance
Corporation ... Respondent

Hon.D.S.Misra, AM
Hon.GS.Sharma, JM

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

This petition under Section 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act) has been received by post. The applicant is an employee of Employees State Insurance Corporation (in short ESI) and is aggrieved by two orders dated 9.12.1982 and 16.5.1984 passed by the respondent promoting one other candidate on the post of Junior Hindi Translator. The contention is that he was well qualified and deserving for the said post and he is entitled to his promotion on this post instead of Smt. Asha Misra and he is also entitled to pay and allowances from the date Smt.Asha Misra was promoted on this post. He had made representations against the same on 13.12.1982 and 5.12.1984 and sent reminders on 24.1.1985 and 8.2.1985. The reminders dated 24.1.1985 and 8.2.1985 cannot be considered for extending the period of limitation. The representation dated 13.12.1982 was made against the order dated 9.12.1982 and the other representation was made against the order dated 16.5.1984. The ESI was notified under sub-section (2) of Section 14 of the Act w.e.f.12.5.1986. The limitation of

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one year prescribed under Section 21 was, therefore, not available to him as the same expired before 12.5.1986. He could move this petition within 6 months from 12.5.1986 but as the petition was sent on 2.2.1987, much after the expiry of 6 months from the date of the notification, it is not within time and is accordingly summarily rejected.

Hm
14.5.8
MEMBER (A)

Sanjiv
14/5/87
MEMBER (J)

Dated 14th May, 1987

kkb.