

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

ORIGINAL APPLICATION NO.506 of 1987

Suresh Chandra Misra ..... applicant.

Versus

Union of India and others ..... Respondents.

Hon'ble D.S.Misra-AM  
Hon'ble G.S Sharma-JM

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

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985, the applicant has challenged the order dated 9.10.1985 (annexure 15) passed by the Chief Personnel Officer Eastern Railway Calcutta (respondent no.2) refixing the seniority of Sri Rang Nath Ojha (respondent no.4) in the cadre of clerks of Mughalsarai Division changing the position of the applicant contained the seniority of clerks of Mughalsarai Division published on 15th June, 1970. The applicant has also challenged the order dated 12.3.1986 (annexure-16) passed by the Senior DPO Eastern Railway Mughalsarai refixing the seniority of Sri U.S. Thakur (respondent 5) and order dated 18.5.1987 (annexure 13) passed by Senior DPO promoting respondent no.4 Sri Rang Nath Ojha to the post of Office Superintendent-II in the Scale of Rs.1600-2660.

2. We have heard learned counsel for the applicant. The application is mainly against the order dated 9.10.1985 by which Sri Rang Nath Ojha (respondent no.4) was given a seniority over the applicant. The



applicant appears to have made a representation to the General Manager, Eastern Railway against this order on 29.11.1985(annexure-17) and has also sent a reminder on 27.2.1986(annexure-18). Prima facie the application is time barred. Learned counsel for the applicant contended that the application was within the period of limitation and in support of his case, he cited the following case law:

1. Devi Singh Vs. Union of India, decided by Jodhpur Bench of this Tribunal reported in AIR, CAT, Jan.1987, page 27.
2. Abdulmohit Mustakikhan Vs. Union of India decided by Ahmedabad Bench of this Tribunal reported in A.T.R. CAT, May, 1987, page 567.

We have considered the matter and we find that none of the above mentioned case law helps the applicant in regard to the period of limitation. As the application is barred by Section 21 of the A.T. Act we do not consider it a fit case for adjudication by the Tribunal. In the interest of justice, we direct the respondents to take a decision on the representation dated 29.11.1985 of the applicant within a period of 2 months from the date of the receipt of this order.

The application is disposed of accordingly.

*[Signature]*  
A.M. 24/6/87 *[Signature]*  
J.M. 24/6/87

JS./24.6.87