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(M)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

...

Registration O.A. No. 623 of 1989

Vishwanath Ram ... Applicant

vs

Union of India and ors .. Respondents

Hon' Mr K. Obayya, A.M.

Hon' Mr J.P. Sharma, J.M.

(By Hon' Mr J.P. Sharma, J.M.)

The above applicant has filed this application under section 19 of the Administrative Tribunals' Act, 1985. The grievance has been discussed in the application is that the applicant a poor Harijan was a Waterman (Pyau) some-where in 1959 on temporary basis. It is said that he has served for a period of 6 years since, 1963. After that the applicant was not told as to how his services have been disposed with as a gateman at the place of posting.

View

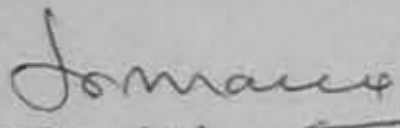
2. We have taken a very magnanimous^A to the extent of utmost flexibility, but the case of the applicant cannot come within the purview of the jurisdiction of this Court on account of the following reasons.

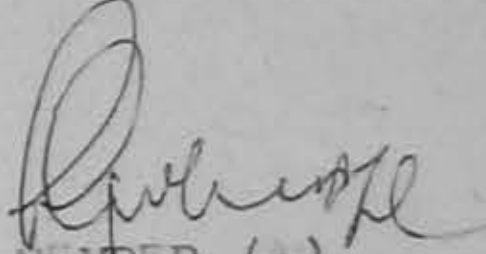
Section 21 is an injunction on the Tribunal regarding those cause of action which have arisen 3 years earlier to the enforcement of the said Act in Nov. 1985 and the applicant claims the relief of the year, 1970. Though from his showing, it may come to 1969 or even earlier. Ignorance of law have no excuse, but even down-trodden and poor who are not vigilant on their right have to be given due consideration on this account. But, mercy and magnanimity have its limit. The applicant did not go for redress of his grievance for all these years and made unsuccessful representation except one replied in Hon'ble the year, 1983 from the level of President of India. That reply also does not add any wait to the contention

raised in the application for bringing it within the scope of the ^{limitation and} jurisdiction of this Tribunal.

3. It has been clearly laid-down by the recent pronouncement of Dr. S.S. Rathore case reported in AIR 1990 page 10 that only statutory representations and if remain un-answered for six months then the limitation begins to run against the persons desiring the relief. Successive representations do not in any way add any further cause of action for the limitation which has earlier started.

4. The learned counsel for the respondents wanted to file counter, but seeing to the present petition, we xxxxxx find that the application is grossly barred by limitation and so the application is dismissed in limine with costs on the parties.


MEMBER (J)


MEMBER (A)

(sns)

April 19, 1990

Allahabad.