

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 469 of 1993

Allahabad this the 21st day of January, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj Gen K.K. Srivastava, Member (A)

Panchu Prasad S/o Raghu Nandan, Divisional
Accountant, resident of C/o Tubewell Divn.
Azamgarh.

Applicant

By Advocate Shri V.K. Barman

Versus

1. Union of India through Comptroller &
Auditor General, New Delhi.
2. Accountant General-II (A&E), U.P. Allahabad.
3. Senior Deputy Accountant General, U.P.
Allahabad.

Respondents

By Advocate Shri S. Chaturvedi

O_R_D_E_R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

The applicant by means of this O.A.
under Section 19 of the Administrative Tribunals
Act, 1985 has prayed for a direction to the res-
pondents to confirm him as Divisional Accountant
Grade II w.e.f. 01.04.1988. He has also prayed
for quashing the adverse remarks given to him
in A.C.R. for the years 1984-85, 1985-86 and
1986-87. He has further prayed for a direction
to the respondents to promote him as Divisional

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Accountant Grade II w.e.f.25.8.92 and correction of the gradation list dated 22.11.1990.

2. The respondents have filed counter-reply resisting the claim of the applicant wherein it has been mentioned that the applicant's representations were rejected on 28.11.88 and 28.9.89. He was very much aware of these orders, but he filed this O.A. in this Tribunal on 05.03.93 i.e. after more than 4 years. It is submitted by the learned counsel for the respondents that this long and inordinate delay has not been explained. It has been submitted that the alleged representation dated 06.01.1990 has been concocted only to bring the case within limitation. No such representation was ever submitted to the department.

3. We have considered the submission of learned counsel for the respondents.

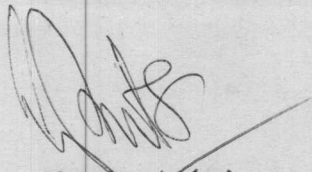
4. There is no doubt that this O.A. is highly time barred. Once the representations against adverse entries were rejected, the cause of action arose to the applicant to challenge the same before the appropriate court or this Tribunal. Merely by making a fresh representation, running of limitation cannot be stopped. The O.A. is accordingly liable to be dismissed as time barred. Learned counsel for the respondents has submitted that the applicant has been given the benefit in

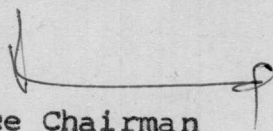
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the year 1989 and he has been promoted with effect from 1993.

5. For the reasons stated above, this O.A. is dismissed as time barred. No order as to cost.


Member (A)


Vice Chairman

/M.M./