

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 respondents 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 representa-
tions 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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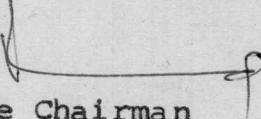
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the year 1989 and he has been promoted with effect from 1993.

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./