

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 2nd day of August, 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 174 of 1994.

Harendra Kumar S/o Lat D.P. Srivastava a/a 40 years  
R/o Weavers Service Centre, Chaokaghat, Varanasi.

.....Applicant

Counsel for the applicant :- Sri O.P. Gupta

V E R S U S

1. Zonel Director, North Weavers Service Centre,  
Government of India, M/o Textiles, Weavers Colony,  
Bharat Nagar, New Delhi- 110052.
2. The Director, Co-ordination, Weavers Service Centre,  
15, Mama Parmatma Nand Marg, Bombay- 400004.
3. Union of India through the Secretary, M/o Textiles,  
Government of India, Udyog Bhawan, New Delhi-110011.
4. Hanuman Prasad, Accountant in the office of  
Deputy Director, Designs Weavers Service Centre,  
Chaokaghat, Varanasi.

.....Respondents

Counsel for the respondents :- Sri C.S. Singh

O R D E R (Oral)

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

By this OA under section 19 of the Administrative  
Tribunals Act, 1985, applicant has challenged the seniority

of respondent No.4, above him and has also prayed for direction to respondents to confirm the applicant on the post of L.D.C w.e.f 24.12.1982 and to set-aside the order dated 27.12.1993 rejecting the claim of the applicant.

2. Facts of the case are that applicant was appointed as Lower Division Clerk (LDC) on 12.09.1974. He was declared quasi-permanent 12.12.1978 (Annexure A- 1). Respondent No.4, Hanuman Prasad was appointed as L.D.C on 07.02.1975. He was declared permanent on the post of L.D.C w.e.f 24.12.1982 but the applicant was not declared permanent by any order. He made representation which was rejected on 03.02.1983 by the following order :-

" With reference to his representation dt. 12.01.1983, Sri Harendra Kumar, Upper Division Clerk, Weavers Service Centre, Varanasi is informed that his case for confirmation in the post of Lower Division Clerk was submitted alongwith the cases of other Lower Division Clerks to the Departmental Promotion Committee, which has not found him fit for substantive appointment.

3. As respondent No.4 was confirmed earlier, he was promoted as U.D.C on 07.02.1983. Applicant was given promotion to the post of U.D.C on 20.06.1984. Aggrieved by which again he filed representation which was ultimately rejected by order dated 27.03.1983 which has been challenged by filing this O.A.

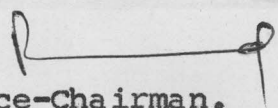
4. Sri O.P. Gupts, learned counsel for the applicant has submitted that applicant did not sit <sup>quiet</sup> ~~quit~~ and filed another representation on 21.04.1983 in which it was observed that due to administrative reasons, D.P.C could not consider the case for confirmation and his case will be considered in the next meeting of the D.P.C. Learned counsel has submitted that applicant was raising this dispute from time to time but



relief was not granted to him. It could not be disputed that applicant's claim was finally rejected on first representation on 03.02.1983 but he did not challenge this order before any Court or Tribunal. The order become final. Limitation against applicant started running from this date. It could not be arrested merely by filing subsequent representation by raising same question again and again. Final seniority list was circulated but the applicant did not challenge the same. Seniority list was again circulated on 30.04.1992 but it was also not challenged. This O.A has been filed on 01.02.1994 i.e long after the period of limitation expired. In the circumstances, in our opinion, applicant is not entitled for relief. This O.A is liable to be dismissed as time barred and is accordingly dismissed.

5. There will be no order as to costs.

  
Member-A.

  
Vice-Chairman.

/Anand/