

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1632 of 1994

Allahabad this the 06th day of May, 2002

Hon'ble Mr.C.S. Chadha, Member (A)
Hon'ble Mr.A.K. Bhatnagar, Member (J)

O.P. Khare, Son of Late Shri Govind Behari Khare
792, Daryabad, Allahabad
Applicant

By Advocate Shri A.B.L. Srivastava

Versus

1. Union of India through the Comptroller
and Auditor General of India 3, Bahadur
Shah Zafar Marg, New Delhi.
 2. The Accountant General, Audit I-UP, Allahabad.
- Respondents

By Advocate Shri Satish Chaturvedi

O R D E R (Oral)

By Hon'ble Mr.C.S. Chadha, Member (A)

The case of the applicant is that his
rightful promotion to the post of Supervisor was
denied to him in the year 1991. Learned counsel
for the respondents has brought to our notice at
the very outset that the applicant retired on
30.09.91 whereafter he filed ~~this O.A.~~ on 01.06.92
a representation seeking redressal of his grievance.
His representation was rejected on 29.12.1992. The
applicant has filed this O.A. on 11.07.94 i.e. one

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year and eight months after the rejection of his representation. Counsel for the respondents, therefore argues that the O.A. is highly time barred.

2. Learned counsel for the applicant states that first of all the rejection of his representation is a non-speaking order and therefore cannot be allowed to stand. Secondly he had filed a memorial to the President and since he did not get any reply, he filed this O.A. on 11.07.1994, therefore, it should be considered within time. Counsel for the applicant also states that he had filed a M.A.No.2180/94 for condonation of delay in filing the O.A., In which it is mentioned that since the memorial before the President of India is pending, time limit should be counted after six months ^{of} ~~to~~ filing of his memorial as per law laid down by the Central Administrative Tribunal Judgment in O.A.No.760 of 1995 of the Calcutta Bench, in which it was held that since memorial before the President of India was pending and application was filed within one year and six months of ~~the~~ filing the memorial, the O.A. was not time barred. We cannot agree with the counsel for the applicant that this ruling applies to the present case. Limitation shall count from the filing of the date of memorial provided such a memorial is provided under the rules for the said officer. For All India Service Officers a memorial to the President is allowed and statutory whereas for the junior post of Supervisors, no such

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memorial lies to the President. Further even if this ruling were to be taken to be applicable in the instant case, the time limit should be one year and six months, whereas from the date of rejection of the applicant's representation, nearly one year and 8 months have passed. We therefore come to the conclusion that the O.A. is highly time barred. Also in view of the fact that the applicant has since [redacted] retired and he also cannot raise the issue for his promotion now which he did not get in the year 1991. The O.A. is highly time barred and rejected. No order as to costs.

Ate

Member (J)

/M.M./

Bobhewee

Member (A)