

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

ORIGINAL APPLICATION NO.925/95.

Dated: The 18th Day of September, 1995.

Hon'ble Mr. S. Das Gupta, Member (A)
Hon'ble Mr. T.L.Verma, Member (J).

(Capt.) S.C.Gulti, Ex. Deputy Director, Age 58 years,
H.No.88, HG (D) AVANTIKA, Naini, Allahabad 211008.

..... APPLICANT.

(By In person).

versus

1. Union of India, through the Development
Commissioner (SSI), Nirman Bhava, New Delhi-110011,
3, Shri P.K.Chaudhary, S/o Shri P.S.Chaudhary,
C/o - Director Small Industries Service,
Institute, Kalpi Road, Kanpur - 208012.

..... RESPONDENTS.

(By -)

O R D E R.

By Hon'ble Mr. S.Das Gupta, Member (A).

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, seeking relief of quashing of impugned relieving order dated 4.2.1995 with consequential benefits. It has also been prayed that he may be given full salary with effect from 1.2.1993 along with interest.

2. The applicant was working as Deputy Director Incharge as well as Drawing and Disbursing Officer

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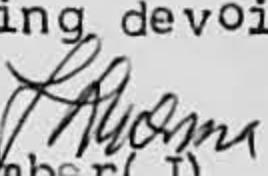
of Institute (SSI) Workshop, Naini, Allahabad. Prior to this, he was an officer in the Army and it has been claimed that he had a distinguished service in the Armed Forces. An order was issued on 2.2.1993 transferring the applicant. Thereafter, the impugned relieving order dated 4.2.1993 was issued. These orders have been challenged by the applicant on the ground of malafide. He has also averred about the circumstances in which forcible possession of his office room was taken from him. He stated that the order of transfer and the relieving order were passed on the basis of complaint of one Ajai Kumar Pasi and Shashi Kumar Prakash, a Member of Parliament who exercised undue influence on the respondents.

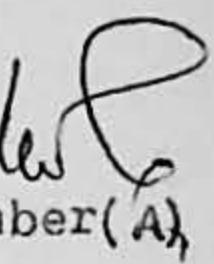
3. It appears from the records that the applicant had earlier approached this Tribunal, through O.A. No. 232/93 challenging the order dated 2.2.1993 by which he was transferred. A single member bench of this Tribunal held that no conclusive finding of malafide or colourable exercise of power in making the impugned order of transfer can be given. The Bench, however, directed that a representation, which is stated to have been filed by the applicant be considered ~~sympathetically~~ and be decided with due application of mind. It is not clear from the averments whether ^{any} ~~any~~ compliance with the direction of the Tribunal that the representation ~~was~~ ^{was} considered and disposed of or not. In any case the applicant did not succeed in his challenge to the order of transfer. The impugned order dated 4.2.1993 which is an order relieving the applicant

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cannot be challenged merely on the ground that the same was passed by an officer, who was not competent to do so. Moreover, the cause of action, if any, arose on 4.2.1993 whereas the present application has been filed only on 11.9.1995. The application, is, therefore barred by limitation.

4. In view of the foregoing the application is dismissed in limine both on the ground of limitation as well as being devoid of merits.


Member (J)


Member (A)

sa.