

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Dated : Allahabad, this the 21st September, 1995

Original Application No.92 of 1995

QUORUM

Hon'ble Mr. S. Das Gupta, A.M.

Hon'ble Mr. T.L. Verma, J.M.

Prayag Shanker

son of Shri Orauni Lal

Lab Supdt Grade-I

Northern Railway,
R/o 293-B, Railway Hospital Road,
Railway Colony, Saharanpur

Sri K.S. Saxena

. Applicant

Versus

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. The Chief Medical Director,
Northern Railway, Headquarters Office,
Baroda House, New Delhi.
3. The Divisional Railway Managers
Northern Railway, Ambala.
4. Sri S N Prasad
Lab Supdt Grade -I
C/o Chief Medical Supdt.
Northern Railway, Allahabad.
5. Sri Malkiat Singh
Lab Supdt Grade-I
C/o Chief Medical Supdt.
Northern Railway, Ferozepur.
6. Sri J S Saxena
Lab Supdt Grade-I
C/o Chief Medical Supdt.
Northern Railway, Moradabad.
7. Sri S K Johri
Lab Supdt Grade-I/DLI
C/o Chief Medical Director
Northern Railway, Baroda House,
New Delhi

8. Sri Babu Ram
Lab Supdt Grade -I
C/o Chief Medical Supdt.
Central Hospital,
Northern Railway,
New Delhi

. Respondents

O R DEE R (Oral)

By Hon'ble Mr. S. Das Gupta, A.M.

We heard the Learned Counsel for the Applicant at the time of admission of this O.A.

2. The Applicant has averred that he was initially recruited as Assistant Chemist in the grade of Rs.380-560, through the Railway Service Commission and was posted in the Northern Railway with effect from 1-5-78. In the year, 1986, a departmental selection for 12 posts of chemist in the grade of Rs.425-700 was held. For this selection the category of Assistant Chemists in the grade of Rs.380-560 were eligible. The Applicant has averred that out of these 12 posts, the 1st and the 8th fell in the SC quota in the 40 point roster and as he himself was a SC candidate, he should have been called for selection by the rule of extended zone of consideration. He was, however, ~~not~~ called against SC vacancies for which atleast six SC candidates should have been called to appear in the selection. It is alleged that the Respondents called only one SC candidate for Roaster Point Post No.1 and for that too they did not call three candidates as per rules. Being aggrieved, the Applicant submitted a representation dated 26-8-1990 addressed to the General Manager, Northern Railway, ~~which was addressed to the~~

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General Manager Northern Railway, which was forwarded by the Divisional Medical Officer, Delhi to the Divisional Railway Manager, Northern Railway, New Delhi. Subsequently, the Applicant was upgraded to the higher scale of Rs.425-700 but his seniority was assigned with effect from 1-1-1984 instead of 1980. This adversely affected his promotion as Lab. Supdt. in in a higher grade. ^{but} It is stated that in order to get relief from the Respondents, the Applicant had been in correspondence with them through various representations and finally the Respondents by their letter dated 15-7-1993, rejected his claim. This has led the Applicant to file this O.A. under ^{v. Administrative Tribunal} Section 19 of the ^{Act No. XIII of 1985} seeking the relief of inclusion of the name of the Applicant in the seniority list of Lab. Supdt. for which selection was held in 1980 and his seniority be revised accordingly in the next higher grade also.

3. ~~The~~ The cause of action, if any, had arisen in 1980, when the Applicant was allegedly deprived of an opportunity of appearing in the selection itself against the vacancy for the SC quota. The case is, therefore, highly time-barred. The Learned Counsel for the Applicant argued that not only the Applicant has been representing continuously but the rejection of his representation by the Respondents by the letter dated 15-2-1993, would give him a fresh cause of action

(b)

and thus this Application shall not be hit by limitation.

4. We are unable to accept the submission of the Learned Counsel for the Applicant. It is well settled that repeated representations do not extend the period of limitation. This was a view taken by the Hon'ble ^{i. S.S. Ralhan, Also in the Case of} Supreme Court in the case of ^{i. The Apex Court held,} Bhup Singh and Rattan Chand Sammant that ~~subsequent~~ refusal of representations cannot give a fresh cause of action.

In view of the foregoing we are of the view that the Application is highly time barred and as ~~such~~ no satisfactory explanation has been advanced for the delay in approaching the Tribunal, We see no reason to entertain this Application. Moreover, the cause of action has arisen much more than three years prior to the coming into effect of the Administrative Tribunal Act, 1985. This Tribunal has no jurisdiction to entertain this Application. On both these grounds, the Application is dismissed at the admission stage itself.

RBD/

J. M.

W
A.M.