

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF JANUARY, 2002

Original Application No.57 of 2002

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Smt.Vibha Kumari, w/o Ashok
Kumar Srivastava, R/o Mohalla
Ghosipur, Post Ghosipur, district
Gorakhpur.

... Applicant

(By Adv: Shri R.Tripathi)

Versus

1. Union of India, through the General Manager, North Eastern Railway, Gorakhpur.
2. General Manager(Personnel) North Eastern Railway, Gorakhpur.
3. Chief Personnel Officer, North Eastern Railway, Gorakhpur.

... Respondents

(By Adv: Shri K.P.Singh)

O R D E R(Oral)

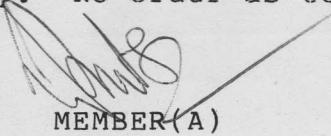
JUSTICE R.R.K.TRIVEDI,V.C.

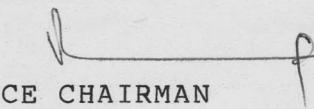
By this OA u/s 19 of A.T.Act 1985 applicant has challenged the selection for the post of A.P.O group 'B' against 70% vacancies, result of which was declared on 6.3.1997 vide (Annexure 9). The application is apparently time barred, as the law provides limitation of one year for challenging the order. Learned counsel for the applicant has however, submitted that applicant has filed representation against the selection which is still pending and has not been decided. It is also submitted that several representations have been given by the applicant. The last such representation was given on 10.12.2001(Annexure 7). The legal position in this regard is, that applicant after moving the representation has to wait for a period of six months for decision by the administrative authority and thereafter he can come to the

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Tribunal u/s 21 of the A.T.Act. The first representation dated 17.2.2000 was made by the applicant as stated in paragraph 4(8) of the OA. Thus the representation itself was filed after more than 3 years after the panel was notified. That on the basis of the representations applicant cannot claim any benefit so far as the limitation for filing the OA in this Tribunal is concerned. The legal position is well settled that once cause of action starts, running of it cannot be arrested merely by making representations.

The OA is accordingly dismissed as time barred. However, applicant may pursue his representations if so advised which may be decided in accordance with law expeditiously. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 28th jan: 2002

Uv/