

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 626 of 2002

Allahabad this the 05th day of June, 2002

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

Pyare Lal Vishwakarma, Son of Late Sri Kallu Ram  
Resident of Village Phattupur(Nisfi) Post Office  
Kilhapur, District Jaunpur, U.P.

Applicant

By Advocates R.K. Singh,  
S/Sri R.K. Pandey,  
S.K. Shukla.

Versus

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Senior Accounts Officer(Administration) The Controller of Defence Accounts(Central Command) Lucknow.
3. Regional Director(Central Zone) Staff Selection Commission, 8-A, Beli Road, Allahabad.

Respondents

By Advocate Shri G.R. Gupta

O R D E R ( Oral )

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

This case is fit to be disposed of at admission stage itself as prima facie the O.A. has been filed after the period of limitation was over.

*[Signature]*...pg.2/-



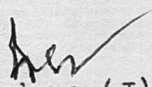
The applicant was selected for appointment as a L.D.C. and was also offered an appointment vide annexure A-1 dated 24.03,2000. However, he received a further communication on 13.04,2000 from the respondents that since the post is not available, the <sup>to</sup> ~~matter~~ <sup>was</sup> being referred to the Ministry for further decision. Again on 22.11.2000, he was informed that his case is being considered for appointment as Temporary Clerk in the ~~the~~ Defence Accounts Department, and he was asked to submit certain certificates and documents. According to the applicant, <sup>the</sup> same were submitted but he has still not received any appointment despite filing representation before the said authorities. A copy of his representations dated 15.04.2002 and 15.05.2002 have been annexed with this O.A.


2. The cause of action arise to the applicant after letter dated 22.11.2000 which was not followed up with <sup>an</sup> ~~the~~ appointment letter. He should have, ~~been~~ <sup>he</sup> therefore, approached this Tribunal within one year of that date i.e. by 21.11.2001, but we find that this O.A. has been filed on 21.05.2002 without any application for condonation of delay. The delay as claimed to have been explained by the learned counsel for the applicant in para-4.7 of the O.A. , is also not acceptable. After his filing of all the necessary documents in response of the said letter dated 22.11.00, he could at best wait for one year. His subsequent filing of representations beyond that period does not renew his period of limitation.

*[Signature]*



3. In the circumstances mentioned above, we feel that this O.A. is highly time barred without any application for condonation of delay and therefore deserves to be dismissed. Learned counsel for the applicant has stated that his representation may be directed to be disposed of early because the applicant was selected but has still not been appointed. We would have no objection to this course of action. The O.A. is therefore, disposed of as being without merit, but with a direction to the respondents to consider any representation which the applicant may file afresh in view of the fact that he has been selected after proper examination, was offered appointment but still not granted one. The respondents may decide the representation by a reasoned and speaking order after considering the case of the applicant sympathetically within a period of 3 months from the date of communication of this order. No order as to costs.

  
Member (J)

  
Member (A)

/M.M./