

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.1190 of 2003.

Allahabad this the 09th day of October, 2003.

Hon'ble Mr.Justice R.R.K. Trivedi, V.C.

Hon'ble Mr.D.R. Tiwari, Member-A.

Umrao Chaubey
S/o (Late) Shri Jagarnath Chaubey
R/o Village: Tenuati, P.O. : Sakaldeha,
District Varanasi.

.....Applicant.

(By Advocate : Sri (Col) R.A. Pandey)

Versus.

1. Union of India through the Chairman, Standing Committee, E.S.I Corporation ES/Headquarters Office, Kotla Marg, New Delhi-1.
2. The Director General E.S. 1 Headquarters Office, Kotla Marg, New Delhi-1.
3. The Regional Director, E.S.1 Corporation, Administrative Branch, Deep Bhawan, Sarvodaya Nagar, Kanpur Nagar.

.....Respondents.

(By Advocate : Sri P.K. Pandey)

O_R_D_E_R

(By Hon'ble Mr.Justice R.R.K. Trivedi, V.C.)

We have heard Sri(Col) R.A. Pandey learned counsel for the applicant and Sri P.K. Pandey learned counsel for the respondents.

2. By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the order dated 17.01.1981 (Annexure 3) by which applicant was reverted from the post of L.D.C to the post of Peon



as his services rendered during the probation period, were not satisfactory.

3. Learned counsel for the respondents has raised preliminary objection that the O.A. is highly time barred and is also not maintainable. One O.A. filed by the applicant i.e., O.A. No.909 of 2002, was already dismissed by this Tribunal on 6.1.2003.

^{^ was}
thereafter Review application filed, which was also rejected on 29.05.2003. Writ Petition filed against the aforesaid orders [^] was registered as Writ Petition No.31293 of 2003. [^] The Writ Petition [^]
~~has been dismissed on 24-7-2003.~~

4. We have perused the order. Under Section 21 of Administrative Tribunals Act 1985, this Tribunal can entertain only those O.A. for which cause of action had arisen within three years from the date of establishment of this Tribunal. The impugned order was passed on 17.01.1981 which is beyond the period of 3 years from the date this Tribunal was established, i.e., on 1-11-1985. Further the applicant challenged the order by filing O.A. No.909 of 2002 which was dismissed by this Tribunal on 6.1.2003 thereafter review application was filed which was dismissed on 29.5.2003. Both the three orders were challenged in the writ petition No.31293 of 2003. [^] The Writ Petition has been dismissed on 24/7/2003.

5. In the circumstances, the second O.A. is not



maintainable for the same cause of action. The O.A. is accordingly dismissed as not maintainable, with no order as to costs.

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Member-A.

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Vice-Chairman.

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