

Coram : Hon'ble Mr. P. H. Trivedi : Vice Chairman
Hon'ble Mr. P. M. Joshi : Judicial Member

19-5-1988

O R A L O R D E R

Per : Hon'ble P.M.Joshi : Judicial Member

In this application under Section 19 of the Administrative Tribunals Act, 1985 filed on 18-4-1988, the petitioner Shri Ramesh Kumar Kapur working as Deputy Commissioner of Rural Development in the state of Gujarat has challenged the select list prepared by the Selection Committee in the year 1979. He claims that he ought to have been considered and selected by the Selection Committee for the cadre post of I.A.S. against the promotional quota and his juniors are promoted and he has been denied his promotion, overlooking his meritorious performance in service.

The party in person has been heard. It was brought to his notice that the application suffers from three infirmities, viz.,
(1) limitation (ii) plurality of causes and reliefs and (iii) non-joinder of parties. According to him he made several representations and waited for the reply of the authorities and hence he has approached this Tribunal after exhausting his remedies.

It is significant to note that the substantive relief which the petitioner claims is that of quashing the select list prepared by the Selection Committee in the year 1979. Thus, the grievance of the petitioner regarding the denial of promotion and non-consideration for the same arose in the year 1979. Admittedly, he has not taken any legal actions regarding the redressal of his grievance since the year 1979. Now, as per the provisions contained under Section 21 of the Administrative Tribunals Act, 1985, the grievance in respect of which an application is made should have arisen by reason of an order made at any time within three years immediately preceding the date on which this Tribunal was constituted i.e.

2

1st November 1985. Any grievance in respect of an order passed beyond three years next before the appointed day i.e., 1-11-1985, can not be taken cognizance by the Tribunal and redressed (see R.S.Shinghal v/s. Union of India ATR 1986 CAT 28). The petition, therefore, cannot be entertained as repeated representations do not keep the cause alive.

More over, the petitioner has sought several reliefs as shown in para-7 of the petition which are arising out of different causes. He has inter-alia challenged the order of promotion given to one Shri N.C.Dave who officiated in the I.A.S. cadre post. According to him, he should have been given the place in the I.A.S. cadre above Shri. Dave. In this regard he has not stated when he was promoted and he has also not been made a party in the present application. He has also sought direction that the select list prepared by the Selection Committee in the year 1986-87, be also quashed without joining the parties affected thereby. The petitioner is informed that if he has got any cause or grievance which is within the scope of Section 21 of the Administrative Tribunals Act, he would be at liberty to file a fresh application based on single cause and consequential relief. *But* *the* main cause and the substantive relief which has been sought in the present application regarding quashing the select list prepared by the Selection Committee in the year 1979 can not be entertained. The application is therefore rejected summarily.


(P. H. Trivedi)
Vice Chairman


(P. M. Joshi)
Judicial Member