

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 452
~~O.A. No.~~

1988

DATE OF DECISION

2-8-1988

SHRI J.R. RATHOD

Petitioner

SHRI D.T. DAVE

Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS.

Respondent

SHRI J.D. AJMERA

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. TRIVEDI

: VICE CHAIRMAN

The Hon'ble Mr. P.M. JOSHI

: JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal. No

Shri J.R.Rathod,
Cable Jointer,
C/o.B.D.T.K.C.Exchange,
Rajkot.

.. Applicant

Versus

1. Union of India
Notice to be served
through the Secretary
Telecom Department,
Sachivalaya, New Delhi.
2. General Manager, Telecom,
Ashram Road,
Ahmedabad.
3. Telecom District Manager,
Income Tax Building,
Rajkot.

.. Respondents.

ORAL ORDER

2.8.1988

Per: Hon'ble Mr.P.M. Joshi

: Judicial Member

The petitioner Shri J.R.Rathod, in this application filed under Section 19 of the Administrative Tribunals Act, 1985 on 5.5.1988 has challenged the promotion of the persons who were junior to him and were promoted on 9.11.1981 (Annexure A-3). The present plaintiff claims that he should be promoted to the post of "Selection Grade Cable Jointer" from the date i.e. 9.11.1981, when his juniors were promoted.

2. Mr.J.D.Ajmera learned counsel appearing for the respondents has opposed the application on the ground that the application is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985 as the cause has accrued prior to 1.11.1982 i.e. three years preceding to the establishment of the Tribunal.

3. It is strenuously urged by Mr.D.T.Dave, the learned counsel for the petitioner that he had claimed his seniority and he had made his representations vide his letter dated 20.3.1982 and the same has not been replied, so far, by the respondent. According to him, the respondents have only confirmed that his name has

been entered in the office - copy of the gradation of C/S. It is true that the petitioner had filed his representation on 20.3.1982 and subsequently he has served the respondent with a legal notice on 20.7.1987. However, his making representation and giving notice would not extend the period of limitation or keep the cause alive. (See Dr.(Smt) Kshama Kapoor v/s. Union of India 1988 (1) SLJ p.548) In view of this settled position of law, the application is clearly barred by limitation and cannot be entertained. The application is accordingly rejected.


(P.M.Joshi)
Judicial Member


(P.H.Trivedi)
Vice Chairman

a.a.bhatt