

O.A. No. 326 OF 1993
~~T.A. No.~~

Parmar Pravinbhai Merubhai, Petitioner

Mr. M.V. Dave, Advocate for the Petitioner(s)

Union of India & Ors. Respondents

Advocate for the Respondent(s)

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr.M.R.Kolhatkar, Admn. Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

Parmar Pravinbhai Merubhai,
residing at Out of Shiyani Pole,
Satavarapara, Jerampara,
Street No.2, Wadhwan City,
Dist: Surendranagar.

.... Applicant.

(Advocate: Mr.M.C. Dave)

Versus.

1. Union of India,
Notice to be served through
its General Manager,
Telecommunication Department,
Near Gujarat High Court,
Ahmedabad.

2. The Assistant Engineer,
Bar Installation,
Telecommunication Department,
Surendranagar.

..... Respondents.

O R D E R

O.A.No. 326 OF 1993

Date: 8-7-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. M.C. Dave, learned advocate for the
applicant.

2. This application under section 19 of the
Administrative Tribunals Act, 1985, is filed by the
applicant for a declaration that the verbal order of
termination passed by the respondent dated 31st August,
1988 as illegal and has prayed that the same be quashed
and the direction be given ^{to} the respondents to regularise
the service of the applicant and to reinstate him in
service with backwages. The main hurdle in the way of
the applicant is about the question of limitation. The
applicant has mentioned in para-5 of the application

that the respondent No.2 passed an order dated 31st August, 1988 whereby he had verbally terminated the services of the applicant. It is averred in para-5 of the application that the applicant made several representations dated 19th October, 1988, 16th December, 1988, 1st March, 1989, 15th December, 1989, 4th April, 1990, 31st July, 1992, 10th January, 1992 and lastly 28th April, 1993. The applicant has produced at Annexure A-2 a copy of letter from SDO Phones Surendranagar dated 12th May, 1993 which is a reply to Annexure A-1 in which it is mentioned that the applicant has not met the officer referred in the letter and no written letter had been received by the said officer and it is also mentioned ^{that} in 1988 the applicant had worked for 217 days etc. The applicant ought to have filed an application within one year from the date of his oral termination that is he ought to have filed the application by 31st August, 1989 before this Tribunal in view of Section 21 of the Administrative Tribunals Act. The first representation according to him is dated 19th October, 1988 therefore, he could have waited for the period of 6 months for any order on his representation and if he had not received any reply, he ought to have this application filed within one year after expiry of six months from first period / the date of his representation in view of Section 20 of the Administrative Tribunals Act. It is

already held by the Hon'ble Supreme Court in Rathore's case that successive and repeated representations do not save limitation. Annexure A-2 dated 12th May also 1993/does not save limitation. Therefore, in any case, the applicant ought to have filed the application before this Tribunal within one year after the expiry of six months period of the date of the first representation dated 19th Oct., 1988. Thus ^{he} ought to have filed the application by the end of April 1990/ ^{and} ^{not} he should have waited till the date of this application. Therefore, in view of Section 20 & 21 of the Administrative Tribunals Act, we find that the application is barred by limitation.

3. The learned advocate for the applicant submitted that the respondent No.2 had given oral assurances to the applicant and the reply is dated 12th May, 1993, Annexure A-2. Apart from the fact that the reply Ann.A-2 shows that there was no written letter received previously and ~~and~~ no one had approached the officer concerned, it does not save limitation and the delay of more than three years in filing this application can not be condoned. We do not find even sufficient cause to condone the delay in filing this application. Hence the application is dismissed summararily.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

R.C. Bhatt

(R.C. Bhatt)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Application No. 07/326/93 of 19

Transfer Application No. _____ Old W. Pett.No

CERTIFICATE

Certified that no further action is required to be
taken and the case is fit for consignment to the
Record Room (Decided)

Dated : 12/07/93

Countersigned :

AK azhagan
17/8/93

Section Officer/Court officer

RSC

Signature of the Dealing
Assistant

INDEX SHEET

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