

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.432 of 1989.

Date of decision : 22. 9. 92.

M. A. Rahman                      ...                      Applicant.

## Versus

Registrar General and others ... Respondents.

For the applicant ... M/s. S. B. Nanda,  
N. K. Misra,  
R. K. Bose,  
B. P. Nanda, Advocates.

For the respondents 1 to 4.. Mr. Ashok Mohanty,  
Standing Counsel (Central)

For the respondents 6, 7 & 9.. M/s. J. Das,  
B.S. Tripathy,  
B.K. Sahoo,  
S. Mallik, K.P. Misra,  
A.K. Sahoo, Advocates.

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MISS. USHA SAVARA, MEMBER (ADMN.)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *Yes*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

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J U D G M E N T

K.P.ACHARYA, V.C., In this application under section 19 of the

Administrative Tribunals Act, 1985, the applicant prays:-

- i) To declare the applicant as confirmed in the post of Tabulation Officer, with effect from 19.7.1976 or from the date when Respondent No.5 was confirmed in the said post;
- ii) To declare the applicant to have been promoted and confirmed in all higher posts above the post of Tabulation Officer from the date when Respondent No.5 to 9 were so promoted and/or confirmed;
- iii) To declare the applicant to have been promoted to and confirmed in the post of Assistant Director from the date when Respondent No.6 was so promoted and confirmed;
- iv) To declare the applicant as senior to respondents 5 to 9 at every stage of their employment and to fix up the position in the seniority list accordingly;
- v) To award all service benefits to the applicant consequent upon such promotion and confirmation as due to the applicant from time to time;
- vi) To declare the applicant to have crossed his efficiency bar in the scale of pay of Tabulation Officer with effect from 1.10.1978 instead of 9.10.1982 and to direct Respondents 1 to 4 to make appropriate fitment of the rate of pay of the applicant in all promotional posts as due to the applicant and to pay to the applicant the consequential benefits thereon.
- vii) To award such other or further reliefs as may be found lawfully due to the applicant in the facts and circumstances of the case.

2. Shortly stated, the case of the applicant is that after Graduation in Arts, he was appointed initially compiler Checker on a consolidated salary in the Office of the Superintendent of Census Operations, Orissa on 24.3.1961. In October, 1961 the applicant was promoted to the post of Tabulation Supervisor which also carried the consolidated salary. On 1.9.1962 the applicant was appointed as Tabulation Assistant in a graded scale of pay and he was promoted to the post of Investigator on 1.3.1966 - later on this post was redesignated as Junior Investigator. The applicant got further promotion as Statistical Assistant on 1.3.1967 and as a Senior Technical Assistant with effect from 1.10.1970. Juniors to the applicant having been given the promotional posts, this application has been filed with the aforesaid prayers.

3. In their counter, the respondents maintained that the case is grossly barred by limitation in view of the bar created under section 21 of the Administrative Tribunals Act, 1985 and so also the case should be dismissed in limine as it involves plurality of causes of action and reliefs claimed which is not permissible under Rule 10 of the Rules framed under Administrative Tribunals Act, 1985. All the grievances of the applicant relate to a period ranging between 1.10.1982 and 1.5.1986. Therefore, the case having been filed on 26.10.1989 it is grossly barred by limitation. The seniority list in the cadre of Investigators vide Annexure-17 dated 22.4.1985 has been made final against which the applicant had made no representation. A departmental proceeding was started against the applicant on 15.9.1977 and a penalty of censure was awarded on 23.9.1982 and the appeal preferred

by the applicant was rejected on 24.1.1985. Certain adverse remarks in the C.C.Rs. of the applicant for the year 1977 were communicated to the applicant on 12.2.1979 and his representation dated 14.5.1979 for expunction of the adverse remarks were rejected and therefore, the Departmental Promotion Committee which was held on 21.11.1979 and 23.11.1979 postponed the consideration of the applicant for promotion to the post of a Tabulation Officer but all the same a post was kept vacant for consideration of his case for confirmation in future. The Departmental proceeding was terminated on 23.9.1982 and subsequently another Departmental Promotion Committee was held on 6.7.1982 recommending that the applicant be confirmed with effect from 1.10.1982 and accordingly the applicant has been confirmed with effect from 1.10.1982. The seniority list has been accordingly drawn up. It is finally maintained by the respondents that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. S.B. Nanda, learned counsel for the applicant, Mr. Ashok Mohanty, learned Standing Counsel (Central) for the respondents 1, 2, 3 and 4 and Mr. Mallik, learned counsel appearing for Respondents 6, 7 & 9.

5. The first grievance relates to the order of reversion dated 9.2.1982 contained in Annexure-12. Nothing was placed before us to indicate that a representation had been filed against this order by the applicant. In paragraph 13 of the petition, the applicant refers to Annexure-12 saying that the applicant was illegally

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reverted to the post of a Tabulation Officer without assigning any reasons therefor but nothing has been said that a representation was filed. Law is well settled that the Tribunal cannot take cognizance of any cause of action said to have arisen prior to 1.11.1982. Therefore, we are of opinion that this grievance of the applicant cannot be entertained by this Bench because it is barred by limitation. So far as the seniority lists are concerned in different cadres especially in regard to the representation of the applicant dated 2.11.1983 in the matter of seniority and confirmation in the grade of Tabulation Officer is concerned, vide letter No. 6/1/79-Estt. dated 10.2.1984 contained in Annexure-16 such representations stood rejected and the applicant has not taken any steps soon thereafter. Prior to Annexure-16 vide letter dated 19.9.1983 the applicant was also informed that his claim for confirmation in the post of Tabulation Officer would be taken into consideration only after disposal of his appeal relating to the disciplinary proceeding. Final seniority list in the cadre of Investigators as on 1.8.1983 was forwarded to the Director of Census Operations vide letter dated 2.4.1985. Vide letter dated 17.2.1987 the seniority list of the officers in the cadre of Investigators was sent to the concerned Office and finally vide letter dated 21.4.1988 the final seniority list of Group C and Group D employees of the Office of the Director, Census Operations, Orissa, Bhubaneswar was circulated. The only argument advanced on behalf of the applicant is that the

representation filed by the applicant was not disposed of and therefore, the applicant came up with this application on 26.10.1989. Under section 21(1)(b) of the Administrative Tribunals Act, 1985, it is provided that in case, a representation is not disposed of then the person aggrieved, should come up with an application under section 19 of the Administrative Tribunals Act, 1985 soon after expiry of 6 months from the date of filing of the representation. Though in the counter it is mentioned that the representations were long disposed of yet presuming the best in favour of the applicant that those representations were not disposed of till the filing of the original application yet ~~under~~ section 21 of the Administrative Tribunals Act, 1985, creates a bar against the applicant for not having filed this application on the expiry of six months from the date of filing of the representations. Therefore, we find that there is substantial force in the contention of Mr. Ashok Mohanty, learned Standing Counsel (Central) that the case is grossly barred by limitation.

6. We have purposefully quoted different prayers mentioned in the application. All taken together cannot but drive us to the irresistible conclusion that the case suffers from serious infirmity like that of claim of plurality of remedies in a single application which is not permitted under the Rules.

7. Since we have held ~~in~~ both the <sup>above</sup> mentioned issues against the applicant, there is no need to go into the questions of fact. Therefore, the case is dismissed on

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the ground of limitation and plurality of causes of action.

8. Thus, this application stands dismissed leaving the parties to bear their own costs.

*Mr. Lowman*  
.....  
MEMBER (ADMINISTRATIVE)

*22.9.92*  
.....  
VICE-CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
22.9.1992/Sarang

