

Central Administrative Tribunal, Jodhpur Bench,
Jodhpur

Date of Order : 22.3.2001.

O.A. NO. 107/1999

Shri Om Prakash Sharma S/o Shri Rati Ramji Sharma, By
Caste Sharma aged about 55 years at present working as
B.C.R.Gr.III, Telephone Exchange, Sri Ganganagar R/o
Telephone Exchange Colony, Sri Ganganagar.

.. Applicant.

versus

1. Union of India through the Secretary, Telecommunication Department, Sancher Bhawan, Sansad Marg, New Delhi.
2. Chief General Manager, Telecommunication Department, Jaipur.
3. Divisional Engineer (Admn), Telecommunication Department, District Sri Ganganagar.
4. Shri Ram Chandra posted at C.T.S., Telecommunication Department, Sri Ganganagar.
5. Shri Ram Kumar Jasuja posted at C.T.S. Telecommunication Department, Sri Ganganagar.
6. Shri P.S. Shekhawat, posted at C.T.S. Telecommunication, Department, Pilibanga, Dist. Sriganganagar.



.. Respondents.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

Mr. Kuldeep Mathur, Counsel for the applicant.

Mr. S.K. Vyas, Counsel for the respondents No. 1 to 3.

None is present for the respondents No. 4 to 6.

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ORDER

Per Mr.A.K.Misra :

The applicant had filed this application with the prayer that the respondents be directed to implement the judgement of the Hon'ble Supreme Court reported in AIR 1990 SC Page 1607 in its letter and spirit, / in the case of Direct Recruit Class-II Engineering Officers Association and the respondents be directed to promote the petitioner on the post of B.C.R. Group IV taking into consideration his initial date of appointment and accordingly seniority be assigned to him over and above the persons who were junior to him and were wrongly promoted.



2. Notice of the O.A. was given to the respondents who have filed their reply to which no rejoinder was filed.
3. We have heard the learned counsel for the parties and have gone through the case file.
4. First of all, it was argued by the learned counsel for the respondents that the O.A. of the applicant is hopelessly time barred and deserves to be rejected. The Representations of the applicant were disposed of from time to time and repeated representations do not extend the limitation. Therefore, the case of the applicant deserves to be rejected on this ground alone. In reply to these arguments, the learned counsel for the applicant submitted that the case of the applicant is not time barred. The applicant had been making representations after representation for implementation of the cited judgement which the respondents had to implement. The

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case of the applicant is otherwise meritorious and therefore cannot be disposed of on the ground of limitation.

5. We have considered the rival contentions. In our opinion, the case of the applicant is hopelessly time barred. For implementation of the judgement rendered by Hon'ble the Supreme Court in the year 1990, the applicant made a representation for the first time only in April 1997 and went on making representations after representation. In our opinion, the applicant should have taken appropriate timely steps timely for implementation of the judgement or should have moved before the Hon'ble Supreme Court for taking action against the respondents for not implementing the judgement of the Hon'ble Supreme Court. But, the applicant did not take any such step. This is a settled legal position that repeated representations do not extend the limitation for claiming the relief. If the representation made by the applicant remained un-answered, the applicant should have moved after expiry of six months against the respondents, which action also the applicant had not taken. In view of this, the claim of the applicant is hopelessly time barred and deserves to be dismissed.

6. From the facts of the case it appears that the applicant is aggrieved of the promotion of Shri Ram Chandra, who entered in service on 21.11.64, Shri R.K. Jasuja, who entered in service on 25.12.63 and Shri P. S. Shekhawat, who entered in service on 12.12.64. It is alleged by the applicant that the applicant was appointed as Telephone Operator on 1.7.1962 and was, therefore, senior to these persons who have been promoted earlier than the applicant. However, from the reply it is borne-

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out that the applicant was confirmed with effect from 1.3.68 whereas Shri Jasuja was confirmed with effect from 1.3.65, Shri Ram Chandra was confirmed with effect from 1.3.66 and Shri P.S.Shekawat, was confirmed with effect from 1.3.67. All these three persons were treated as senior as per their date of confirmation as compared to the applicant and were accordingly promoted earlier than the applicant. It is alleged by the respondents that those who were confirmed earlier in time than the applicant were treated senior for purposes of promotion. The respondents have stated in their reply that the seniority of the candidates was determined as per their date of confirmation. Nothing contrary to this, has been done and, therefore, no fault can be found in the action of the respondents in promoting the three private respondents, as per their date of confirmation. The applicant, therefore, cannot be treated senior to the private respondents No. 4 to 6 ~~for purposes of promotion~~ taking his initial date of appointment into consideration, as claimed by him. The application deserves to be dismissed.

7. The Original Application is, therefore, dismissed with no orders as to cost.

Gopal Singh
(Gopal Singh)
Adm. Member

8/11/2010
(A.K.Misra)
Judl. Member

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Part II and III destroyed
in my presence on 26.3.82
under the supervision of
section officer (U) as per
order dated 19.12.82

Section officer (Record)