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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

Original Application No.51/2009

with

MA No.71/2009

Date of decision: 29-10-2012

CORAM

HON'BLE Dr. K.B.S. RAJAN, JUDICIAL MEMBER

HON'BLE MR. B.K.SINHA, ADMINISTRATIVE MEMBER

Smt. Usha G. Nair W/o Late Shri G.K. Nair, aged about 51 years, R/o 63, Imartia Bera, Paota 'C' Road, Jodhpur (Rajasthan) Official Address: Upper Division Clerk, Central Administrative Tribunal Bench at Jodhpur (Rajasthan).

.....Applicant

Mr. Kamal Dave, counsel for applicant.

Vs.

1. The Union of India through the Secretary, Ministry of Personnel, Public Grievance and Pension, Department of Personnel and Training, Government of India, New Delhi.
2. The Central Administrative Tribunal, through the Principal Bench 61/35, Copernicus Marg, New Delhi-110 001.
3. Central Administrative Tribunal, Bench at Jodhpur, Near High Court Campus, Jodhpur, through its Registrar.
4. Shri G.D.Birla, Assistant, Central Administrative Tribunal, Bench, Jodhpur through Registrar Central Administrative Tribunal, Bench, Jodhpur.
5. Shri N.S. Mohnot, Central Administrative Tribunal, Bench, Jodhpur through Registrar Central Administrative Tribunal, Bench, Jodhpur.

...Respondents

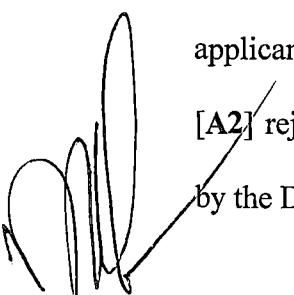
Mr. Vinit Mathur, counsel for respondents No.1to3.

Mr. Manoj Bhandari, counsel for respondents No.4&5.

ORDER

Per : Hon'ble Mr. B.K. Sinha, Administrative Member

This OA is directed against the order No.3-4/89/AT-JU/5903 dated 20/25.9.1991[A1] of Deputy Registrar, CAT, Principal Bench, New Delhi absorbing the applicant as LDC w.e.f.21.7.1991 and Letter No.PB/17/11/2006-Estt.II dated 24.10.2008 [A2] rejecting the request of the applicant for absorption as UDC w.e.f. 21.7.1991, passed by the Deputy Registrar, CAT, Principal Bench, New Delhi.



Relief(s) sought:

- (i) *The respondents may kindly be directed to allow absorption in the Central Administrative Tribunal w.e.f. 1.11.1989 as LDC and further for grant of promotion as UDC w.e.f. 23.7.1990 as allowed to respondent No. 4 and 5 with all consequential benefits in real monetary terms.*
- (ii) *That all benefit of seniority and promotion as UDC and of Assistant as allowed to respondent No. 4 and 5 for which applicant is entitled to as per date of absorption as 1.11.89 by incorporating name of applicant at appropriate place above respondent No. 4 and 5 in the respective seniority list with consequential benefits may kindly be allowed.*
- (iii) *Any other order or direction which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case may also be passed in favour of the applicant.*
- (iv) *Costs may also be awarded to the applicant.*

Case of the applicant in brief:

2. The applicant is a UDC of the Central Administrative Tribunal, Jodhpur Bench. Admittedly, the applicant was recruited to the State services in the State of Rajasthan as LDC in the scale of Rs. 490-840 in the year 1983 in the office of Controller of State Litigation. She applied for the post of LDC and was appointed as LDC on deputation vide order dated 21.7.1987 for a period of one year. On completion of this period of one year, the parent department of applicant was approached for further extension of period of deputation. In response thereto the parent department intimated that further term of deputation could not be allowed in view of shortage of LDCs in that department vide letter dated 16.11.1988; however, the parent department would have no objection the applicant being absorbed in CAT [A3] on a permanent basis. The applicant applied for permanent absorption in CAT when options were called for absorption from serving employees in the CAT vide her request dated 16.8.1989, [A4]. However she has contended that the R3 has not acted on that request even though her parent department had already furnished a no objection in 1988. The applicant alleged that as per the prevailing rules at that point of time the post of UDC was to be filled up by direct recruitment to the extent of 50% and 25% through Limited Departmental Competitive Examination and 25% by promotion from amongst LDCs having 6 years service to their credit as LDC. The CAT, Principal Bench vide letter dated 27.10.89 intimated the Benches concerned that the orders of absorption of such employees willing to come on deputation in CAT would be issued after receiving

consent of their respective parent departments. The powers of absorption had been delegated to the Vice Chairman in the Recruitment Rules. It had been further provided in that order that no absorption could be made retrospectively. A number of employees who were appointed on deputation as LDCs and opted for their permanent absorption subsequent to applicant were given adhoc promotion as UDC and also absorbed as UDC. The applicant alleges that the Respondents 4&5 were given adhoc promotion as UDC on permanent absorption while the applicant stood excluded though her department conveyed its no objection earlier, thereby showing undue favour to the Respondents 4&5 by the third respondent. The Respondent No.3, ignoring the option already furnished, again asked for option for absorption and her parent department again furnished no objection for applicant's absorption in CAT, whereas in the case of Respondents 4&5 options were called for absorption as UDC, thereby showing a discriminatory treatment to her. Respondents rejected the notice of justice vide A2 dated 24.8.2008. The seniority list as on 1.1.2000 to 1.1.2010 of UDCs was finalized without considering the objection raised by the applicant placing her position at Sl.No.109 showing her date of regular appointment/promotion as UDC w.e.f 1.1.2009, even though the applicant was promoted as UDC in the year 1992. She has further alleged that the option in respect of Respondents 4&5 were received only on 21.11.1990 whereas their permanent absorption was made vide communication dated 11.10.1991 w.e.f 14.11.1990. Applicant made a representations [A5] on 9.10.1991 and 23.2.2004 [A6] for absorption from 1.11.1989. Relying a decision in the case of MK Goyal Vs. Union of India by the Principal Bench of CAT in OA 1935/2003, the applicant made another representation dated 16.12.2004[A7] for absorption from 1.11.1989 as was granted to similarly situated persons. To that representation the respondents replied vide order dated 4.1.2007 that in view of Rule 5(1) of the Recruitment Rules, her case for promotion to the post of Assistant can be considered on finalization of year-wise seniority list of UDCs and that since the applicant joined the Tribunal as LDC she could not be absorbed as UDC as per Rule 5(1) of the RRs. This sufficiently establishes a discrimination meted out to her vis-à-vis the Respondents 4 & 5.

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Case of the official respondents 1 to 3:

3. The official respondents in their written statement raised a preliminary objection of limitation stating that the applicant has filed this application 18 years after the cause of action arose, as she is questioning the absorption of her in the year 1991. The Hon'ble Supreme Court in the case of ***SS Rathore Vs. State of Madhya Pradesh (AIR 1990 SC 10)*** have specifically ruled that repeated unsuccessful representations do not extend the limitation and that delay beyond three years is beyond the scope of condonation as settled by the Full Bench of the Tribunal. Moreover, the OA is not supported by an application for condonation of delay. Further, the applicant was absorbed as LDC on 21.7.1991 and prior to that the applicant was retaining lien in her erstwhile parent department. Concurrence for extension was only called for from her parent department and not for absorption and that instead of granting permission for extension of deputation, they have conveyed no objection for absorption, when no such question had arisen at that point of time. Thereafter, on the request of the borrowing department, concurrence was given and this was acted upon and the applicant was rightly absorbed w.e.f 21.7.1991. The mere fact that the applicant was eligible for absorption on a given date is not a sufficient ground to claim absorption as a matter of right, as no one has an absolute right for absorption, which is in the discretion of the borrowing department. If the applicant was aggrieved by her absorption during 1991, without accepting the absorption she could have approached the judicial forum for redressal of grievance at that point of time. This, she has not done. Hence the OA is hit by Section 21 of the AT Act. The impugned order dated 24.10.2008 clearly speaks that the process of absorption was completed only on 5.10.1990 there arose no question of absorbing the applicant w.e.f 1.11.1989. The no objection granted by her parent department for absorption when the extension was sought, which was something which was not even under consideration at the material date and their statement in that letter cannot be treated as a no objection for absorption. The applicant could not have been considered for promotion on the higher post of UDC unless she was absorbed as LDC and mere fact that she had opted for absorption earlier is not sufficient ground to treat her absorbed. Regarding absorption of private respondents 4&5, the Learned Counsel for Respondent stated that the process of



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their absorption was completed before the absorption of the applicant and if the applicant had any grievance with respect to that she should have agitated their absorption at the relevant point of time and not after 20 years of the occurrence. Her representation was considered and rejected and the cause of action arose when the representation was rejected and she cannot ask for unsettling of the settled positions at this belated stage. Placement of officials in the seniority list was done based on the appointments having been made in a given year keeping in view the instructions on the subject read with the judicial pronouncements having been made from time to time by the Hon'ble Tribunals and the Hon'ble High Courts. Since the applicant was not absorbed as UDC her name was not reflected in that seniority list. On the basis of the High Court order a review of seniority was made and the applicant was considered for appointment in the grade of UDC afresh and on the basis of centralized seniority list, her name in the seniority list of UDC has been rightly placed. She has not challenged the seniority list in question at that point of time and now she is estopped from challenging the same. The respondents, therefore, submitted that the absorption of the applicant as LDC has been done in accordance with the rules after getting no objection of her department, on the basis of the request made by the CAT for that purpose to her parent department. Hence, there is no error in the action taken and the respondents pray for dismissal of the OA.

Reply of respondents 4&5:

4. The respondents 4&5 have also filed their counter affidavit and contested the matter. They have also raised the question of limitation. They contend that even though the applicant has been absorbed *w.e.f.* 21.7.1991 she has not assailed the validity of the same for 19 years and that delayed representation and its rejection will not give a cause of action for agitating the absorption in 1991. They stated that the applicant was wrongly and erroneously absorbed in the year 1991 as she was not even a confirmed employee of the Government of Rajasthan and was working as a temporary employee, which clearly emerges from the letter dated 21.11.1990 written by the Deputy Registrar CAT to her parent department asking them to inform whether the applicant was a regular and confirmed

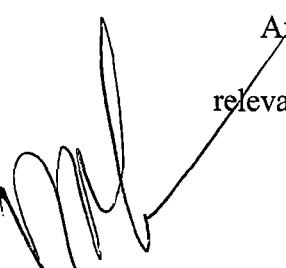


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employee of that organization. They have also contended that without request from the borrowing department, giving no objection by the parent department has no consequence. The private respondents further state that the parent department of the applicant gave permission for continuance of applicant on deputation, meaning thereby that the no objection given by them in 1989 has no validity at all. They have been correctly absorbed as UDCs because at that time they were working as UDCs in the C.A.T. Jodhpur Bench and the parent department of the respondents 4&5 have conveyed their concurrence for permanent absorption as UDCs in the CAT [R1]. The concurrence was given by the District and Sessions Judge, Jodhpur on 24th February, 1990 [R2]. They further contend that the applicant has never produced any order of her confirmation as LDC in her parent department and that the contention of the applicant that 6 years regular service is required for promotion as UDC is not correct and that 8 years regular service is required for such promotion, as per the Recruitment Rules [R3]. The orders absorbing the applicant wef 14.11.1990 by the Vice Chairman cannot be said to be illegal as they were done in the administrative capacity and in administrative exigency of service and the applicant has no locus standi to challenge the same now after accepting it in 1991. As per Rule 5 of the Recruitment Rules, a person working in a higher post can be considered for regularization and absorbed and this has been done by the official respondents in accordance with law. They have followed most of the other contentions raised by the official respondents in their written statement. They have produced the following judgments to support their case:

- (i) *Hon'ble Full Bench of CAT in OA 1343/2007 (Raghbir Singh Vs. Union of India and others.*
- (ii) *Union of India and others Vs. M.K.Sarkar, [2010] 2 SCC 59.*
- (iii) *OA No.164/2010 of Jodhpur Bench – Shiv Ratan Vs. Union of India and others.*

After perusal of the judgments, we find that these judgments are not analogous or relevant to the facts of this case.



Facts in issue:

5. On going through the documents produced by the parties and hearing the arguments of the learned counsel appearing for all the parties, the following issue emerges for consideration:

- (i) *Whether the respondent authorities were correct in not absorbing her in the year 1988?*
- (ii) *What injury the applicant has suffered as a consequence of the above action of the respondent organization?*
- (iii) *Whether issue can be agitated at this point of time?*
- (iv) *What relief, if any, could be provided to the applicant?*

Whether the respondent authorities were correct in not absorbing her in the year 1988?

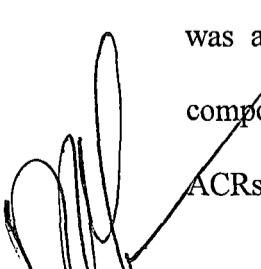
6. So far as the first issue is concerned, the case of the applicant has already been stated; admittedly the applicant was recruited as LDC in the office of Controller of State Litigation. She responded to an advertisement and came on deputation as LDC for a period of one year vide the order dated 28.07.1987. On completion of this period when the parent Department was approached for further extension, the letter dated 16.11.1988 replied that *“in view of the shortage of LDCs and temporary nature of the appointment of Smt. Usha Devi, it is not possible to extend the term of her deputation. This Department has however no objection if Smt. Usha Devi is observed in the Central Administrative Tribunal Bench, Jodhpur under intimation to this office.”* On 16.8.1989, the applicant submitted an application for her final absorption in respondent organization along with a dully filled up proforma for absorption. In column (6) of the proforma, the applicant has described her service as : “ LDC on temporary regular basis on 13.04.1983”. On 09.10.1991, the applicant filed another application for absorption stating therein *“ It will be needless to mention here that all the LDCs who have been absorbed w.e.f. 01.11.1989 will have the benefit of counting of previous services rendered in the cadre of parent Department, towards seniority and the employee who had been absorbed in the Tribunal beyond 01.11.1989 their previous services rendered in the parent Department can only be counted towards seniority after the approval of the Competent Authority. In my case I have rendered more*

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than 8 years service as LDC out of which 4 year's of service relates to my parent Department and for promotion purpose the approval of the Competent Authority will be required. If my case for absorption is given effect from 01.11.1989 for which I am already eligible, then no relaxation will be required to be obtained for considering my next promotion." She was finally absorbed in respondent department w.e.f. 21.07.1991 in the grade of LDC. She filed an application with the following prayer:-

"I have already put in twelve years of regular service as UDC. As per the Government Orders in vogue, those who have put in twelve years of service in the entry grade were eligible for higher grade under ACP Scheme. As I was a State Government employee, I will be considered for ACP only w.e.f. the date of my absorption in the CAT. Although, I have put in more than eight years of service in the State Government before my absorption. The entire service has been wiped out from my service career as the service period will not be counted for ACP. This has put me in a disadvantageous position vis-à-vis other employees in CAT appointed on deputation from Central Government several employees junior to me in the seniority list have been eligible for the higher grade of Assistant under the ACP Scheme. In order to save me from this predicament and in with the least disturbance in the already settled seniority list, my humble submission to your good-self is, to treat my absorption on the post of UDC on which date, I was absorbed in the grade of LDC i.e. 21.07.1991. In such case, I can aspire the grade of Assistant under the ACP Scheme now. Incidentally, I may draw your kind attention to the latest seniority list of UDCs published vide your letter No. PB/7/2/99-Estt. II dated 07.11.2000 wherein my name figure at Sl. No.45. It may kindly be observed from the seniority list that my juniors whose names stand at Sl.No.46 Shri M.B. Chouhan, Jaipur Bench and Sl. No.58 SPM Risvi of CAT Lucknow Bench have already been promoted as Assistant. However, I have not promoted as Assistant."

7. Now, the question that arises is that whether the respondent organization had erred in not absorbing the applicant w.e.f. 1988 when the counter offer of the parent organization of the applicant has been received vide their letter dated 16.11.1988. Here, it has to be considered that a deputation is only an incidence of service. Absorption against a post cannot be claimed as a matter of right, it has to be taken into account that whom the host organization decides to absorb is its own prerogative. Moreover, the applicant was not a confirmed employee at that point of time. It has already been indicated that by her own admission, she was a temporary regular employee. Evidently, at the time of making a request for extension of her deputation, the respondent organization has no intention of absorbing her on a permanent basis. The offer of absorption put forward by the parent organization vide Annexure-A/3, therefore, appears to be unsolicited. It is to be borne in mind that the respondent organization had seen her performance only for one year and was fully within its rights to observe and assess her performance over a longer period before she was absorbed and it was finally done w.e.f. 21.07.1991. The action of not the sole component for absorption and other factors like vacancy, merit list, performance reflected in ACRs etc. have to be viewed before decision to absorption is made. We close this issue by



saying that to get absorbed is not the right of the deputationist but to absorb is the prerogative of the organization. Therefore, we find little merit in the contention of the applicant.

What injury the applicant has suffered as a consequence of the above action of the respondent organization?

8. In so far as this issue is concerned, the matter is being explained with the help of the table below vis-a-vis the comparative position of the private respondents Nos. 4&5:

S. No.	Name of Officer/Official	Date of Birth & Qualification	Date of Appointment & Post in Parent Department with Pay Scale	Date of Appointment & Post in CAT, Jodhpur on deputation with Pay Scale	Date of Promotion to the post of UDC/JAO with Pay Scale	Date of absorption to the post of LDC/UDC with Pay Scale	Date of retirement/transfer
1	2	3	4	5	6	7	8
1	Sh.N.S. Mohnot, Ex – Assistant (respondent No.5)	24.03.1951 B.Com., LLB	31.10.1974 LDC 490-840	24.07.1987 LDC (i) 490-840 (ii) 950-1500	23.07.1990 UDC 1200 - 2040	14.11.1990 As UDC 1200 - 2040	31.03.2011 Retirement
2	Shri G.D. Birla, Ex. Section Officer (respondent No.4)	06.08.1952 M.Com.	25.02.1975 LDC 490-840	31.10.1986 LDC (i) 490-840 (ii) 950-1500	23.07.1990 UDC 1200 – 2040	14.11.1990 As UDC 1200 – 2040	31.08.2012 Retirement
3.	Smt. Usha G Nair, Ex – JAO	02.10.1959 SSLC equivalent to Metric e;ek equivalent to B.A. from Allahabad University	13.04.1983 LDC 490-840 Regularized as LDC in parent office w.e.f. 13.04.1983	21.07.1987 LDC (i) 490-840 (ii) 950-1500	02.02.1992 UDC 1200 – 2040	21.07.1991 As LDC 950-1500	Working as JAO in CAT, Ernakulam Bench

9. It is apparent from perusal of the table that the respondent No.4 joined the services on 25.02.1974 and respondent No.5 on 31.10.1974 and the applicant on 13.04.1983 in their respective parent departments. Respondent No.4 joined the respondent organization on deputation on 31.10.1986, respondent No.5 on 24.07.1987 and the applicant on 21.07.1987, all as LDCs in scale of pay of Rs. 490-840 revised to Rs.950-1500. It has been stated therein that the absorption could not take place earlier as the Recruitment Rules had not been notified and further extension of six months earlier till absorption were sought. A firmly consent to this note was received on 05.10.1990. On the other hand, the consent for

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respondents No.4&5 was received on 22.02.1990 and the no objection in response of respondent No.5 was received on 22.02.1990. It is to be recalled that as per Annexure-R/4/3, the minimum qualifying service for promotion of LDCs to UDCs is 8 years of regular service in the grade. The respondents No.4&5 were absorbed w.e.f. 14.11.1990 while the applicant was absorbed w.e.f. 21.07.1991. Now, we take up the issue of promotion to the post of UDC. The private respondents were promoted to UDC in the pay scale of Rs.1200-2040 on 23.07.1990 while the applicant was promoted on 02.02.1992. The applicant fulfilled the qualifying service of 8 years in regular pay grade, only in w.e.f. 13.04.1991.

Even if we are to assume that she was a confirmed government employee, it is to be recalled that when she ~~was~~ joined on deputation on 21.07.1987, she was not confirmed employee of her parent department. Therefore, we feel that no cogent case has been made out till this stage.

Whether issue can be agitated at this point of time?

10. In respect to this issue, what the applicant seeks in effect is to advancement of promotion to the post of UDC w.e.f. 23.07.1990, at par with private respondents No.4&5 after a gap of almost 19 years. In this regard it ought to be mentioned that a lot of water has flown down the granges in the meantime and issue have become settled. In the case of *Malcom Lawrence Cecil D'Souza v. Union of India, (1976) 1 SCC 599*, the Hon'ble Supreme Court has held as under:-

9. Although security of service cannot be used as a shield against administrative action for lapses of a public servant, by and large one of the essential requirements of contentment and efficiency in public services is a feeling of security. It is difficult no doubt to guarantee such security in all its varied aspects, it should at least be possible to ensure that matters like one's position in the seniority list after having been settled for once should not be liable to be reopened after lapse of many years at the instance of a party who has during the intervening period chosen to keep quiet. Raking up old matters like seniority after a long time is likely to result in administrative complications and difficulties. It would, therefore, appear to be in the interest of smoothness and efficiency of service that such matters should be given a quietus after lapse of some time. (emphasis supplied).

11. Similarly, in the Constitutional judgment in *Direct Recruit Class II Engineering Officers' Assn. v. State of Maharashtra, (1990) 2 SCC 715*, the Apex Court has held

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"The decision dealing with important questions concerning a particular service given after careful consideration should be respected rather than scrutinized for finding out any possible error. It is not in the interest of Service to unsettle a settled position."

12. The applicant has claimed as relied upon the case of *M.R. Gupta v. Union of India, (1995) 5 SCC 628*, wherein the Apex Court has held as under:-

"The claim to be paid the correct salary computed on the basis of proper pay fixation, is a right which subsists during the entire tenure of service and can be exercised at the time of each payment of the salary when the employee is entitled to salary computed correctly in accordance with the rules. This right of a government servant to be paid the correct salary throughout his tenure according to computation made in accordance with the rules, is akin to the right of redemption which is an incident of a subsisting mortgage and subsists so long as the mortgage itself subsists, unless the equity of redemption is extinguished."

13. While holding so, the Apex Court has also held that in so far as drawl of arrears is concerned, limitation would apply. And in so far as arrears, the extent of arrears that would not be affected by the law of limitation is three years prior to the filing of the OA as held by the Apex Court in the case of *Jai Dev Gupta v. State of H.P., (1997) 11 SCC 13* wherein the Apex Court has held as under:-

2. *Learned counsel appearing for the appellant submitted that before approaching the Tribunal the appellant was making a number of representations to the appropriate authorities claiming the relief and that was the reason for not approaching the Tribunal earlier than May 1989. We do not think that such an excuse can be advanced to claim the difference in back wages from the year 1971. In Administrator of Union Territory of Daman and Diu v. R.D. Valand this Court while setting aside an order of the Central Administrative Tribunal has observed that the Tribunal was not justified in putting the clock back by more than 15 years and the Tribunal fell into patent error in brushing aside the question of limitation by observing that the respondent has been making representations from time to time and as such the limitation would not come in his way. In the light of the above decision, we cannot entertain the arguments of the learned counsel for the appellant that the difference in back wages should be paid right from the year 1971. At the same time we do not think that the Tribunal was right in invoking Section 21 of the Administrative Tribunals Act for restricting the difference in back wages by one year.*

3. *In the facts and circumstances of the case, we hold that the appellant is entitled to get the difference in back wages from May 1986. The appeal is disposed of accordingly with no order as to costs.*

14. Yet in another decided case of *Shiv Dass vs Union of India (2007) 9 SCC 274*, the Hon'ble Supreme Court has held as under:-

"7. To summarize, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing

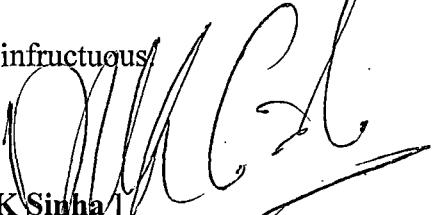
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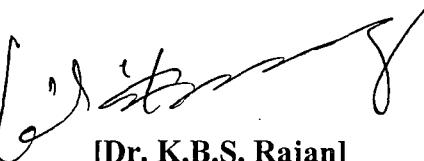
wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring-successive wrongs will apply. As a consequence, the High Courts will restrict the consequent relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition."

15. Decision in M.R. Gupta (supra) and Jai Dev Gupta (supra) could be pressed into service only when the wrong fixation of pay is direct cause of action. Where promotion/absorption is not granted in time, and timely action would have resulted in higher pay, such a situation cannot be brought at par with the case of M.R. Gupta (supra). In any event, with the afore pronouncements by different courts the situation clearly emerges that to litigate over any stretch of time is not an unmitigated right of any litigant. That is why the period of limitation has been prescribed so that issues attain finality. In the instant case we feel that the applicant could have come to this Tribunal earlier when the date of her absorption was decided. It is not sufficient to say that she had filed representations. Her right to litigate arose within 6 months of filing the representation. Now, to go into the matter after a lapse of almost 19 years is against the accepted norms of judicial consideration and against the express provisions of Section 21 of the Administrative Tribunal Act, 1985.

What relief, if any, could be provided to the applicant?

16. In view of the aforesaid discussions and the clear-cut findings in respect of the issue framed both on the ground of limitation and on substantive grounds, we find that the OA is devoid of merit and is accordingly dismissed without costs. MA for interim relief is hereby rendered infructuous.


[BK Sinha]
Administrative Member


[Dr. K.B.S. Rajan]
Judicial Member