

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

No. O.A. 148 of 1997.
M.A. 45 of 1997.

Present : Hon'ble Dr. B. C. Sarma, Member (A)

Hon'ble Mr. D. Purkayastha, Member (J)

~~GOUTAM~~ CHATTOPADHYAY

Vs.

1. Union of India, through the Secretary, Min. of Defence, New Delhi - 11.
2. The Secretary, Ordnance Factory Board, 10A, Auckland Road, Calcutta - 1.
3. The General Manager, Metal & Steel Factory, Ichapore, Nawabgunge, 24 Parganas (N).
4. The Dy. General Manager, Admn. Officer, Officer, Metal & Steel Factory, Ichapore, Nawab Gunje, Dist. 24 Paraganas (N).

... Respondents.

For applicant : Mr. P. Chatterjee, counsel.

For respondents : Mr. B. Mukherjee, counsel.

heard on : 1.12.97 :: ordered on : 1.12.97.

O R D E R

B.C.Sarma, AM

The dispute raised in this application is about the alleged in-action of the respondents in not giving appointment to the applicant to the post of Laboratory Technician at Metal & Steel Factory at Ichapore in the year 1991 on the ground that he was in the panel and his position was at serial No.2. Being aggrieved thereby, the instant application has been filed with the prayer that a direction be issued on the respondents to give appointment to the applicant when vacancies were available in the year 1884 in Metal & Steel Factory, Ichapore, in the year 1991 at the same factory and in the year 1995 at Ordnance Factory at Kanpur.

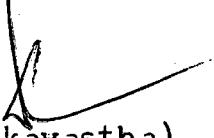


2. When the admission hearing of the matter was taken up today, Mr. B. Mukherjee, 1d. counsel, appears for the respondents and strongly opposes the application. He submits that this application is hopelessly barred by limitation since the panel was prepared sometime in 1991 or before and against not giving of any appointment the applicant had filed a representation as early as on 22.7.91 and said representation was replied to by a letter dated 31.10.91.

3. We have heard the submissions of both the parties and perused records. We find an MA has been filed along with this application with the prayer for condonation of delay in filing the application. The only explanation forthcoming from the M.A. is that the applicant has been in touch with the authorities concerned and therefore, he did not come to the judicial forum at appropriate time. We find, however, that the applicant had filed his first representation on 22.7.91 which was replied to in October in the same year. After getting the reply, we see no reason, if he at all aggrieved, why he could not come to this Tribunal. We find, however, he filed subsequent representations, but it is settled law that subsequent representations on the same matter does not extend the period of limitation. Moreover, even if we ignore the question of limitation, we come to the point that the applicant was empanelled sometime in 1991 or before and it is well known that the validity of any panel usually is for one or one and a half year ^{and no} ~~or~~ little more. Therefore, the panel in which the applicant's name was included by the authority had expired its validity sometime in 1992 or in 1993. This being the position, after the expiry of the said panel the applicant cannot hope to get any appointment on the basis of the said panel. Mr. Chatterjee, 1d. counsel, prays that the applicant may be absorbed against any other vacancy in some other factory, but we find that the applicant was selected and his name was included in panel for a particular post in a factory. Therefore, the prayer of Mr. Chatterjee cannot be considered by us.



4. In view of the above, we are of the opinion that there is no merit in this application. The application is also hopelessly barred by limitation. For all these reasons the application is dismissed at the stage of admission itself. We would, however, make it clear that this dismissal of the application will not be a bar to the authorities, if they are willing to consider his case for absorption in any other vacancy, if they so like. No order is passed as to costs. The M.A. is also disposed of accordingly.


(D. Purkayastha)
MEMBER (J)


(B.C. Sarma)
MEMBER (A)