

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.72/2004.

Friday this the 30th day of January 2004.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

V.Bhaskaran,
Superintendent of Central Excise,
Central Excise Division,
House Fed Complex.,
Eranjipalam, Calicut. Applicant

(By Advocate Shri C.S.G.Nair)

Vs.

1. Union of India, represented by
Secretary, Department of Revenue,
North Block, New Delhi.
2. The Chairman,
Central Board of Excise and Customs,
North Block, New Delhi.
3. The Chief Commissioner of Central Excise,
Central Revenue Buildings, I.S.Press Road,
Cochin-18.
4. The Commissioner of Central Excise & Customs,
Central Revenue Buildings, I.S.Press Road,
Cochin-18.
5. A.S.Kuruvila,
Assistant Commissioner of Central Excise,
Rajaji Nagar Division.
13, S.C.Road, Bangalore.
6. P.C.Scaria,
Assistant Commissioner of Central Excise
Dharwad Division, Dharwad,
Karnataka. Respondents.

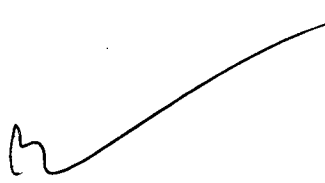
(By Advocate Mr. C.B.Sreekumar, ACGSC)

The application having been heard on 30.1.2004, the
Tribunal on the same day delivered the following:

O R D E R


HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, Superintendent of Central Excise has
filed this O.A. impugning the seniority list of Inspectors of
Central Excise corrected upto 1.1.91 and issued on 15.7.92 (A2)



as also the A-5 reply dated 12.11.03 to his representation regarding seniority informing him that his seniority has been rightly fixed as also A-6 order No.C.NO.11/34/3/2002-Estt.1/6311 dated 12.6.2002 (Order No.102/2002) issued consequent on the revision of seniority of Inter-Commissionerate transferee Inspectors prior to 20.5.1980 and a review DPC Meeting held on 30.4.2002. The applicant has alleged in the application that in the cadre of Inspector, he should have been allotted Seniority position No. 80 and that on account of a mistake in following the quota rota system between the Direct Recruits and promotees his seniority has been suppressed. It is further alleged in the application that the applicant was going on making representations to which he did not get any reply and ultimately when a representation made on 9.5.2003, he has been told by the impugned order A-5 that his seniority has been fixed correctly following the quota-rota system. Aggrieved by that the applicant has filed this O.A. seeking to quash A-2 seniority list and A-6 declaring that the applicant is senior to respondents 5 and 6 in the cadre of Inspector of Central Excise and to direct the respondents to refix the seniority of the applicant with all consequential benefits.

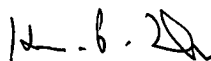
2. We have carefully gone through the application and Annexures appended thereto and have heard Shri C.B.Sreekumar, ACGSC learned counsel appearing for the respondents. The learned counsel of the respondents argued that the application is not maintainable as the same is hopelessly barred by limitation. We find that the question of seniority of the applicant vis a vis the respondents 5 and 6 has been settled



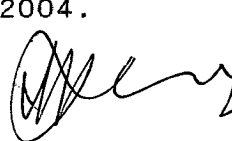
long back in the year 1992 by issue of A-2 seniority list. If the applicant was dissatisfied with the seniority position assigned to him for any reason including that of not following the quota rota system correctly, the applicant should have been agitated the matter within the time stipulated in the Administrative Tribunals Act, 1985. It is stated that the applicant made A-3 representation questioning the seniority position vis-a-vis that of respondents 4 and 6 on 11.12.2003. If the applicant did not get a proper reply to that within six months from that date he should have approached this Tribunal by filing an application within one year. Having not done that, the applicant has lost his claim by limitation under Section 21 of the Administrative Tribunals Act, 1985. Though the applicant repeatedly made representations and in reply to them he got a letter dated 12.11.2003 again turning down his claim, that does not give rise to a new cause of action. The Apex Court in S.S.Rathore Vs. State of Madhya Pradesh (AIR 1990 SC 10) has held that repeated unsuccessful representations will not enlarge the period of limitation.

3. In the light of what is stated above, we do not find any subsisting grievance of the applicant which calls for admission of this O.A. and therefore, we reject the application under Section 19 (3) of the Administrative Tribunals' Act, 1985.

Dated the 30th January, 2004.



H.P.DAS
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN