

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Dated thirtieth September, one
thousand nine hundred and eighty eight.

PRESENT

Hon'ble Shri S P Mukerjee, Vice Chairman
and
Hon'ble Ch. Ramakrishna Rao, Judicial Member

ORIGINAL APPLICATION No.105/87

1 P Nandakumaran }
2 Philomina Sebastian } Applicants
3 CR Remani }

-VS-

1	Union of India rep. by the Secretary, Ministry of Telecommunications New Delhi	}) Respondents
2	General Manager Telecommunications Trivandrum	
	Mps MK Damodaran, PV Mohanan and VK Mohanan	: Counsel of Applicants
	Mr K Karthikeya Panicker, ACGSC	: Counsel of Respondents

ORDER

(Pronounced by Hon'ble Ch. Ramakrishna Rao, Judicial Member)

This is an application filed under Section 19
of the Administrative Tribunals Act of 1985.

2 The facts leading to the application are briefly as follows: The General Manager, Tele-communication, Trivandrum (Respondent No.2) issued a notification inviting applications for recruiting Reserve Trained Pool Telephone Operators (RTPTO) in December, 1981.

The number of vacancies in the Office of the Divisional Engineer (DEP) at Trichur and suburbs was mentioned as 13 in the aforesaid notification. The applicants' services were utilised as RTPTO pursuant to the selection based on the notification in 1983. They were, however, not absorbed in the available vacancies though they worked as RTPTO for more than 100 days and accordingly their services were terminated. Aggrieved, the applicants have filed this application.

3 Shri K Karthikeya Panicker, the learned counsel for the Respondents raises a preliminary objection that the application is barred by limitation. The services of the applicant No.1 were terminated as long ago as 31.10.83 against which he represented to the authorities in November, 83 and again in May, 85. The Respondent No.2 represented to the authorities in May, 1985 after the lapse of two years, while Respondent No.3 represented only in 83, but not thereafter. The present application was filed on 2.2.87 and as such his claim is barred by limitation.

4 It is now settled law that repeated representations before the administrative authorities will not clothe the applicant with any right to agitate his grievances on a subsequent date, excluding the period spent by him in making representations to the authorities. In other words, the aggrieved person must approach the competent

forum within the prescribed period. Viewed in this light, the cause of action for the applicants arose on 31.10.83, when their services as RTPTO were terminated and they should have moved the competent court for relief within one year thereafter. In our view, the representations to the authorities filed belatedly after the lapse of nearly two years is a device for gaining time which is not countenanced by courts for computing the period of limitation. We have, therefore, no doubt that the claim which is being agitated by the applicants is a stale claim which deserves to be rejected.

5 Even on merits we do not find any substance in the claim put forward by the applicants. What seems to have happened is that a Select List was prepared in 1982 based on the tests conducted for recruitment of RTPTO. In this list 5 Scheduled Caste candidates, 3 Ex-Service candidates and 22 other candidates were included. The names of Applicant No.1 & 2 could not be included in the Select List for 1982 since only 22 candidates could be included in the order of merit and they did not fall within the first 22 ranks. However, Applicant No.2 having secured a higher rank than Applicant No.1 was given a declaration expressing her willingness to work as RTPTO on short duty without any right for being brought on the Select List.

(Signature)

Thereafter, candidates were recruited as RTPTO on the basis of the notification issued in 1983 with the result that none of the applicants could be appointed. If they were keen, they should have applied again in 1983 for the post of RTPTO pursuant to the vacancies announced in 1983 which they have not done. We, therefore, see no merit in the claim put forward by the applicants at this distance of time.

6 In the result, the application is dismissed.

There will be no order as to costs.

Ch. Ramakrishna Rao

(Ch. Ramakrishna Rao)
Judicial Member
30.9.88

SP Mukerjee

(SP Mukerjee)
Vice Chairman
30.9.88