

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.299/2001

Tuesday this the 3rd day of April,2001

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T.NAYAR, MEMBER (A)

K.Sreedharan Pillai, I.F.S.(Rtd),
Jayamandir, Ezhikulam,
Parakode,
Quilon.Applicant

(By Advocate Shri P.Ravindran)

vs.

1. Union of India, represented
by its Secretary,
Ministry of Environment and Forests,
Paryavaran Bhavan,
C.G.O.Complex, New Delhi.
2. State of Kerala represented by its
Chief Secretary,
Government Secretariat,
Thiruvananthapuram.Respondents

(By Advocate Sri T.C.Krishna, ACGSC(for R-1)

This Application having been heard on 3.4.2001, the Tribunal on
the same day delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant who retired from service as Assistant Conservator of Forests on 4.3.1971 was later conferred with Indian Forest Service (IFS for short) in the year 1997 retrospectively w.e.f. 1.10.1966. His junior one Shri K.J. Joseph who retired as Chief Conservator of Forests, Social Forestry, was placed in the senior scale of IFS w.e.f. 1.10.1966. The applicant, therefore, sincerely and honestly believed that he would be entitled to get similar treatment and took up the matter with the Government. As the matter did not reach anywhere, he approached the Hon'ble High Court of Kerala by filing O.P.No.4011/1981, which was disposed of with a

direction to consider the case of the petitioner and to give him the benefits whatever is found entitled. On that basis, the applicant was given arrears of pay and allowances etc. However, feeling aggrieved that he was not given the due share, he again approached the High Court of Kerala by filing O.P. 5147/83 which was disposed of with a direction to the State of Kerala that the representation of the applicant should be considered and disposed of. The State of Kerala by order dated 24.10.86 informed the applicant that it was not the competent authority to redress the grievance which the applicant had projected and that he had to approach the competent authority viz., Union of India. Thereafter, the applicant made a representation dated 27.1.1986 (A-V) to the Minister of State/Director, Ministry of Personnel and Administration, Reforms and Public Grievances and Pension, New Delhi seeking placement in the senior scale with effect from the year 1966 with consequential benefits. There was no response even on making repeated representations. He was by a D.O. letter dated 27.3.1990 issued by one Mr. Nand Lal, Deputy Secretary, Ministry of Environment and Forests informed that he hoped that it would be possible to give him a reply regarding his appointment to the Senior scale of IFS at its initial constitution, very soon, but that hope never materialised. The applicant did not do anything in furtherance of his representation for a long time. Ultimately, after more than a decade thereafter, the applicant made one representation on 7.2.2001 to the Secretary, Government of India, Ministry of environment & Forests, reminding all his claims which had been hanging fire for decades. Finding no response, the applicant

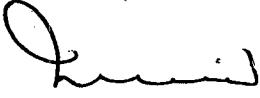
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has filed this application for a direction to the respondents to grant him placement in the senior scale of IFS w.e.f. 1.10.1966 with all consequential benefits and arrears of monetary benefits and also for disposal of his representation at Annexure A-8.

2. We have heard Shri Sankaran, learned counsel appearing on behalf of the counsel for applicants and Shri T.C.Krishna for R-1. We find that the applicant does not have a subsisting grievance which calls for admission of this application. His grievance in regard to the placement in senior scale of IFS arose way back in the year 1970. Though he filed two Writ Petitions, he did not implead the Union of India and ultimately when the 2nd Writ Petition was disposed of, he made a representation to the Minister of State/Director, M/o Personnel and Administrative Reforms, New Delhi in the year 1986 though he followed it up by another one to the Hon'ble Minister/Secretary, Ministry of Environment & Forests New Delhi, in the year 1990. If the applicant had a legitimate grievance and did not get any reply to his representations within six months, according to the provisions contained in Section 21 of the Administrative Tribunals Act, he should have filed an application within a year and if an application is not filed on the expiry of one year, the Tribunal cannot ordinarily entertain an application thereafter. It has been held by the Apex Court in a catena of decisions that repeated unsuccessful representations would not enlarge the scope of limitation SS Rathore Vs. State of Madhya Pradesh (AIR 1990 (SC) 10) is an authority on that point. The applicant having not approached the Tribunal at appropriate time and having left the matter to rest and become stale, at this

distance of time is not entitled to rake up the issue once again. As the applicant does not have a subsisting and legitimate cause of action now, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated 3rd April 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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Annexure A-V: True copy of representation submitted by the Petitioner, dated 27.1.1986.

Annexure A-VIII: True copy of representation submitted by the Petitioner dated 7.2.2001.