

(AS)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A.No. 34/1990

Udai Bhan Singh

Applicant

versus

Union of India & others

Respondents.

Shri V.C.Tripathi, Counsel for applicant.  
Shri Dinesh Chandra Counsel for Respondents.

CORAM

HON.MR.JUSTICE U.C.SRIVASTAVA, V.C.

HON.MR.K.OBAYYA, ADM.MEMBER.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant who was appointed as Assistant Controller in the office of Director Census Operation, in the year 1970, was promoted on adhoc basis on the post of Computer on 28.1.1981. He was given an adverse remark in the year 1981 which was communicated to him on 3.9.82. The remarks were as follows:

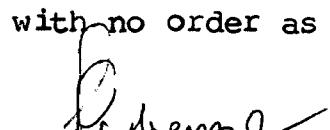
"An average worker. Needs to restrain himself in speech and behaviour." Indulged in unrestrained behaviour in speech and conduct in the office. Despite verbal warnings he failed to show improvement.

The petitioner made representation against the adverse remarks on 21.9.82 to the Registrar General of India who rejected the same which was communicated to him on 27.2.86. It appears that in between the applicant, after

a lapse of four years made representation to the Home Secretary on 30th May, 1986 and another representation was made on 2.5.89.

2. The applicant's representation was rejected. Then after a lapse of four years he made a representation to the Home Secretaty. The said representation was followed by another representation inwhich no interference was made by the Home Ministry. Thereafter, the applicant approached the Tribunal.

3. On behalf of the applicant it has been contended that the entry was communicated to him and representation rejected and the Home Ministry did not interfere in the matter. The said plea that the representation was not decided, will not extend the limitation. The application cannot be entertained as the cause of action had accrued much before. So far as the entry is concerned, only represents the factual position. It appears that after oral warning entry was given to the applicant and Registrar General considered it and did not find it fit case for expunging the same. In our opinion, the application is liable to be dismissed and accordingly it is dismissed with no order as to costs.

  
Adm. Member

  
Vice Chairman.

Shakeel/

Lucknow: Dated: 15.7.92