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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH AT LUCKNOW.

Registration (O.A.) No. 334 of 1989 (L)

Sangram Singh Chauhan Applicant.

Versus

Union of India & others Respondents.

Hon'ble Justice K. Nath, V.C.

Hon'ble K.J. Raman, A.M.

This application, under Section 19 of the Administrative Tribunals Act, 1985, is for payment of full pay and allowances of the applicant from the date of his dismissal from service to the date of his having attained the age of superannuation.

2. The applicant is present in person and has addressed us on his claim. Annexure '6' to the application is a judgment dated 1.8.1978 passed by the Civil Judge, Malihabad, Lucknow in a Civil Suit where the applicant had challenged the order of his dismissal from service passed on 9.6.1956. The learned Civil Judge held that the order of dismissal from service was illegal, but, went on to hold that the suit itself was barred by limitation. The suit was, therefore, dismissed on 1.8.1978. The applicant preferred a First Appeal before the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow which also was dismissed by the judgment dated 27.7.1979 (Annexure '7') and it was held that the finding of the learned Civil Judge that the suit was barred by limitation was correct.

3. It appears that thereafter the applicant had been making representations to various authorities from time to time on the basis of the finding recorded by the learned

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Civil Judge that the order of dismissal was invalid, but the concerned authorities have taken no notice of those representations. This application was filed on 5.12.1989.

4. The applicant says that since on merits the order of dismissal was found to be invalid, he should have been given some relief by some authority. His grievance is not valid in the eyes of law. The law of limitation bars a remedy even if a right exists; so even if the applicant may have had a right to hold the post on the ground of his order of dismissal having been found to be illegal, his remedy for relief in that regard became barred by time long ago, as indicated above. There is no improvement in that situation even before us. We are not in a position, therefore, to grant any relief to the applicant.

5. In view of above, the application is accordingly dismissed in limine at the admission stage.

(Signature)

MEMBER (A).

(Signature)

VICE-CHAIRMAN.

Dated: February 2, 1990.

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