

**Central Administrative Tribunal
Lucknow Bench Lucknow**

**Original Application No. 6/2010
This the 18th day of October, 2012**

**Hon'ble Mr. Justice Alok Kumar Singh, Member (J)
Hon'ble Mr. S. P. Singh, Member (A)**

Ratnakar Shukla aged about 66 years son of late Sri B. L. Shukla, resident of Opp. Kaueshla Bhawan, Dandaiya Bazar, Aliganj, Lucknow.

Applicant

By Advocate Sri R. K. Chitravanshi.

Versus

1. Union of India through its Secretary of the DST Deptt. New Delhi.
2. Counsel of Scientific and Industrial Research, Rafi Marg, New Delhi.
3. National Botanical Research Institute, Rana Pratap Marg, Lucknow. Through its Director.

Respondents

By Advocate Sri Pankaj Awasthi for Sri A. K. Chaturvedi.

Order (Dictated in Open Court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Heard counsel for the parties on the point of limitation and perused the material on record.

2. The relief sought in this O.A. is for issuing an order /direction to opposite party No. 2 and 3 to promote the applicant on the post of Scientist B w.e.f. 1.2.1986 and to make payment of arrears including pensionary benefits. The contention of the applicant is that said promotion was due to him from the year 1985-1986. He ultimately superannuated on 31.1.2004 i.e. after about 14 years. Concededly, during this long period of 14 years, no representation was ever made by him. After his retirement, he moved first representation on 3.9.2004(Annexure A-3) followed by representations dated 5.10.2004, 5.10.2007 and 29.11.2007 and 21.11.2007 (Annexure 4 to 7). These were not statutory

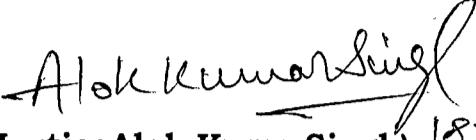
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representations. Moreover, even these representations were barred by time. Then he gave Section 80 CPC on 7.12.2007. After that, he filed a Writ Petition (619/2008) before the Hon'ble High Court . In this Writ Petition, the main relief was only for directing the respondent No. 3 to take a decision on the representation of the petitioner dated 7.12.2007. From the other side, it is pointed out that in pursuance of an interim order passed by the Hon'ble High Court, the said representation was disposed of by order dated 10.4.2008(Annexure 11 to the objection). But surprisingly, the above order dated 10.4.2008 has neither been brought on record nor it has been impugned in the present O.A. which therefore deserves to be dismissed for this concealment also. Coming back to the above Writ Petition, it is noteworthy that ~~the~~^{AR} subsequently, the applicant himself moved an application for withdrawal of the Writ Petition on the basis of which, it was dismissed as withdrawn on 5.12.2009. However, the Hon'ble High Court granted liberty to the applicant to approach the CAT and in case, O.A is filed, the CAT was directed to decide it expeditiously preferably within 6 months from the date of filing.

3. Consequently, this O.A. was filed on 4.1.2010.
4. Having regard to the facts and circumstances mentioned hereinabove, we have no other alternative but to come to a conclusion that this O.A. is highly time barred. According to the law laid down in the oft quoted judgment of S.S. Rathore Vs. State of M.P AIR 1990 SC 10 repeated representations cannot extend the period of limitation. Similarly, in the case of Satybir Singh Vs. Union of India (1987) 3 ATC 924, it was laid down that even rejection of non statutory representation submitted subsequent to rejection of original representation does not give a fresh cause of action.

5. Finally therefore, the application for condonation of delay stands rejected and consequently, the O.A. is dismissed. No order as to costs.


(S. P. Singh)
Member (A)


Alok Kumar Singh 18.10.12
(Justice Alok Kuma Singh)
Member (J)

Vidya