

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 575 of 1992

Versus

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava,V.C.)

The applicant who is the resident of city of Lucknow appeared for the examination of the Indian Forest Services from Lucknow held by the Union Public Service Commission, her centre was at Lucknow and call letter was also received at Lucknow and thereafter, the result was announced, it was found that she has been selected. The training was also taken ⁱⁿ Uttar Pradesh, but she was allocated ⁱⁿ the State of Assam. According to the applicant as per roaster point, she could have been allocated only ⁱⁿ the State of Uttar Pradesh and not state of Assam where against her wishes she has been posted in the year 1989 after completing 2 years of training period. The applicant has filed the representation on 21.2.1991 against the same before the Union of India, her representation has been rejected on the ground of delay and laches.

2. Sri Asit Kumar Chaturvedi learned counsel for the respondents raised the preliminary objection that this tribunal has no jurisdiction as the cause of action accrued at Assam or accrued at Delhi and further the representation having been rejected on the ground of delay and laches, as such her case can not be decided on merit. As far as the question of jurisdiction is concerned, there is no denial

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of the fact that the applicant is the resident of the city of the Lucknow and she appeared in the examination at Lucknow and after selection, she under took training in the state of Uttar Pradesh itself and thereafter, the cadre of Assam and Meghalaya has been allocated, though according to the applicant even under the regulations she was only entitled for the State of Uttar Pradesh. Thus, the part of the cause of action accrued to the applicant in the State of Uttar Pradesh of which she is the resident and received the training from where, she was asked to join at Assam and Meghalaya. Accordingly the preliminary objection is over ruled.

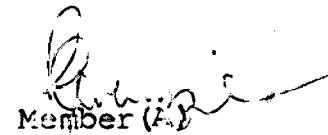
2. The applicant has stated in her application that after waiting for the result, when result was declared she made the representation. Obviously, the delay was more than 1 years. As the representation was filed within a period of 2 years from the date of her posting in the State of Assam and Meghalaya. Everybody can not be supposed to be litigation minded and an officer who entered in the service is to be cautious enough not to litigate with the government where the moment one entered into the service. In case, she was waiting for the result and thereafter filed the representation, it can not be said that her representation was highly delayed. Accordingly, the rejection of her representation on the ground of delay and laches is unwarranted. The application is allowed and the order dated 6.11.1991 rejecting her representation is quashed, and the respondents are directed to dispose of the

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representation of the applicant within a period of two months by a reasoned and speaking order taking into consideration the decision of Chandigarh Bench in Miss Ravneet Kaur, an I.A.S. Probationer of the 1988 batch, (O.A. No. 42 of 1989 decided by the Chandigarh Bench on 10.8.1990) against which C.L.P. was also dismissed. With these observations, the application is disposed of finally. No order as to costs.



Member (A)



Vice-Chairman

Lucknow Dated: 3.1.1993.

(RKA)