

Counsel for the applicant ..Shri A.K. ^{Varma} _{Sinha}
Counsel for the respondents ..None.

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2.12.96

CM

ORDER

Heard the learned counsel for the applicant. It appears that the applicant appeared in the Departmental Examination in connection with promotion to the post of J.T.O. held on 14th and 15th March, 1992, the results of which were declared vide Annexure-A/1 dated 23rd October, 1992. This application has been filed on 6.2.1996. The applicant has also filed M.A.267/96 for condonation of delay. The ground taken is that the application has been filed for promotion which has recurring effect and, accordingly, the delay should be condoned.

2. In view of the well settled decision in the case of S.S. Rathore vs. State of M.P., reported in (1989) 4 SCC page 482, we are unable to accept this plea for condonation of delay as made herein. The applicant has submitted representations. His ~~first~~ representation is dated 20.9.1993 (Annexure-A-6). It is stated that no reply was given to him. In that case the applicant had to approach the Tribunal long before, within one year against the final order and if any representation had been made, within one year ^{thereafter} after expiry of six months' period. This application has been filed beyond the period prescribed under Section 21 of the Administrative Tribunals Act.

3. The learned counsel for the applicant relies on the decision in the case of Md. Quaramuddin vs. State of A.P., reported in (1994) 5 SCC page 118 decided on 10.5.1994. This was a case against the

dismissal from service. The dismissal order was issued pursuant to departmental proceedings.

In this case the Hon'ble Apex Court held that for computation of limitation period, time spent in disposal of statutory review and 60 days more for notice under Section 80, C.P.C. should be extended. It is amply clear that the facts of this case are totally different from the present application which is a case of promotion. This decision is of no assistance to the applicant.

2. The learned counsel for the applicant further relies on the decision in the case of M.R.Gupta vs. Union of India, reported in AIR 1996 SC page 669, which is a case of fixation of initial pay. The Hon'ble Supreme Court held that non-fixation being continuing wrong, question of limitation does not arise. Evidently, the facts of the present application are totally different and this decision also can be no assistance to the applicant.

3. The application is summarily dismissed at the admission stage. *Therefore*

(D.Purkayastha)
Member (J)

(K.D. Saha)
Member (A)