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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH, NEW BOMBAY 400 614

CAMP : NAGPUR

OA.NO. 438/89

Shri C.Ramachandra Rao  
CPWD Quarter No. 59,  
Type III, Civil Lines,  
Nagpur 440 001.

... Applicant

V/S.

Union of India through  
The Secretary to the  
Govt. of India,  
Ministry of Home Affairs,  
North Block, New Delhi.

AND THREE OTHERS. ... Respondents

CORAM: Hon'ble Member (J) Shri A.P.Bhattacharya  
Hon'ble Member (A) Shri P.S.Chaudhuri

Appearances :

Mr. Harihara Iyer  
Advocate  
for the Applicant

Mr. Ramesh Darda  
Advocate  
for the Respondents

ORAL JUDGMENT

Dated: 15.1.1990

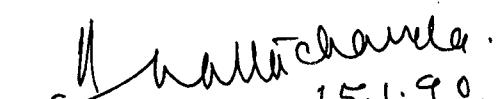
(PER: A.P.Bhattacharya, Member (J)

Mr. Harihara Iyer appears for the applicant and moves this application for admission. It is opposed by Mr. Ramesh Darda, learned advocate appearing for the respondents mainly on the ground of limitation.

2. In this application under Section 19 of the Administrative Tribunals Act 1985 the applicant has prayed for certain promotional benefits claiming his seniority as Head Clerk from 12.8.1970 and some benefits under the next below rule w.e.f. 1.7.1984. It is submitted by Mr. Darda that the applicant was not considered for promotion to the post of Head Clerk as holding the post of stenographer not a feeder post, he did not come within the zone of consideration. On behalf of the applicant, a recommendation was made by his superior authority for amending the relevant recruit-

ment rules. To that a final reply was given by the Section Officer on behalf of the Govt. of India on 30.1.1986 (Vide Annexure A-1). The applicant being aggrieved by that made a representation to the Director General Civil Defence on 26.2.1986 (Vide Annexure A-24). He made similar representation thereafter on 10.9.1986 (Vide Annexure A-25). From this annexure we find that in the matter of redressal of his grievance, he was given a personal hearing on 19.3.1987. It is the applicant's contention that in not getting any reply to his representation he submitted one such to the Home Secretary, Govt. of India on 4.8.1988. A copy of this representation is shown at Annexure A-27. It is contended by the side of the applicant that limitation began to run from 4.8.1988. We are unable to accept this contention. In our view, the applicant should have filed this application within the period prescribed in Section 21 of the aforesaid Act. When he got his final reply on 30.1.1986 submission of representation one after another would not extend the period of limitation. It has been held by the Supreme Court in the case of Gian Singh Mann vs. High Court of Haryana and Punjab and anr. reported in AIR 1980 SC 1894 that inordinate delay in filing an application should not be overlooked on the ground that the petitioner was making representations to the department. Taking that into consideration, we are of the opinion that as the present application had not been filed within the period prescribed by Section 21 of the aforesaid Act, it should be held as barred by limitation. Accordingly, we hold such and dismiss the application summarily.

  
(P.S. CHAUDHURI)  
MEMBER (A)

  
15.1.90.  
(A.P. BHATTACHARYA)  
MEMBER (J)