

## CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex (BDA)  
 Indiranagar  
 Bangalore - 560 038

Dated : 16 JUN 1988

APPLICATION NO.

734

/ 87(F)

W.P. NO.

Applicant(s)

Shri G. Somanna  
 To

V/s

The Director, Directorate of Revenue Intelligence,  
 New Delhi & 3 Ors

1. Shri G. Somanna  
 Inspector of Central Excise  
 Siruguppa Sugar Factory  
 Desanur  
 Siruguppa  
 Bellary District
2. Shri S. Narayan  
 Advocate  
 No. 978, Vth Block  
 66th Cross, Rajajinagar  
 Bangalore - 560 010
3. The Director  
 Directorate of Revenue Intelligence  
 'D' Block, I.P. Bhavan  
 I.P. Estate  
 New Delhi - 110 002
4. The Collector of Central Excise  
 Central Revenue Building  
 Queens Road  
 Bangalore - 560 001

Respondent(s)

5. Shri K. Shivashankaraiah  
 Inspector of Central Excise  
 Bellary Range Office  
 Papul Bazar  
 Bellary
6. Shri N.J. Udupi  
 Inspector of Central Excise  
 Udupi Range  
 Udupi  
 Dakshina Kannada District
7. Shri M.S. Padmarajaiah  
 Central Govt. Stmg Counsel  
 High Court Building  
 Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAN/INTERIM ORDER  
 passed by this Tribunal in the above said application(s) on 10-6-88.

Encl : As above

dc : RA Venkatesh  
 DEPUTY REGISTRAR  
 (JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 10th Day of June, 1988

Present : Hon'ble Sri Justice K.S.Puttaswamy

Vice chairman

Hon'ble Sri L.H.A.Rego

Member (A)

APPLICATION No. 734/87(F)

G.Somanna,  
Inspector of Central Excise,  
Incharge of Siruguppa Sugars  
Factory, Desanur,  
Siruguppa, Bellary Dist. ...

Applicant

( Sri S.Narayan ... Advocate )

vs.

1. The Director,  
The Directorate of Revenue Intelligence,  
New Delhi.

2. Collector of Central Excise,  
Central Revenues Building,  
Queens Raod, Bangalore.

3. K.Shivashankariah,  
Inspector of Central Excise,  
Bellary Range, Office,  
Papul Bazar, Bellary.

4. N.J.Udipi,  
Inspector of Central Excise,  
Udupi Range, Udupi,  
Mangalore. ...

Respondents

( Sri M.S.Padmarajaiah ... Advocate )

This application having come up before the  
Tribunal today, Hon'ble Vice Chairman made the following :

ORDER

This is an application made by the applicant  
under Section 19 of the Administrative Tribunals Act, 1985  
(Act).

2. The applicant, who initially started his career  
as an Upper Division Clerk, was promoted as an Inspector of



Central Excise ('Inspector') from 6.12.1971 on an officiating basis. When working in that capacity he was facing a disciplinary proceeding and therefore, his confirmation as on 12.12.1973 on which day he was due for the same was postponed. On the completion of the disciplinary proceedings, on 14.10.1980 the relevant Departmental Promotion Committee (DPC) considered his case for confirmation on 4.5.1982 and confirmed him as an Inspector from 14.10.1980 which was reflected in the relevant seniority lists prepared from time to time,

3. On 24.10.1983, the applicant represented to his superiors to confirm him from 12.12.1973 and restoration of his seniority from that date. On 6.2.1984, the Collector of Central Excise, Bangalore ('Collector') rejected the same which was intimated to him on 28.2.1984 by the Assistant Collector of Central Excise, Davangere (Assistant Collector), under whom he was then working. On receipt of this order, the applicant kept quiet till 14.7.1986 and made a representation on that day, virtually reiterating his representation made on 24.10.1983. On 6.11.1986, the Collector has again rejected the same, which has been communicated to the applicant on 20.11.1986 (Annexure - A6). In this application made on 24.8.1987, the applicant has challenged the last order made on 6.11.1986 against him, and has sought for a direction to the respondents to confirm him as an Inspector from 12.12.1973 and regulate his conditions of service on that basis.

4. The applicant has urged a large number of grounds in support of his case. In their reply, respondents 1 and 2 have supported the orders made by the Collector, from time to time.



5. Sri S.Narayan, learned Counsel for the applicant, strenuously contends that the postponement of confirmation of his client from 12.12.1973 to 14.10.1980 was clearly unjustified, illegal and improper and this is a fit case in which, this Tribunal should direct the respondents 1 and 2 to confirm the applicant as an Inspector from 12.12.1973 and regulate his conditions of service on that basis.

6. Sri M.S.Padmarajaiah, learned Senior Standing Counsel for Central Government appearing for respondents 1 and 2, refuting the contention of Sri Narayan, contends that this application made on 24.8.1987, was barred by time. In the very nature of things, it is necessary to examine this preliminary objection of Sri Padmarajaiah first and then deal with the merits if that becomes necessary.

7. In his representation made on 24.10.1983, to the Collector, the applicant really claimed that his confirmation should be from 12.12.1973 and not from 14.10.1980, and his seniority should be regulated only on that basis. On an examination of the same, the Collector rejected the same on 6.2.1984 which was communicated to the applicant on 28.2.1984 ( Annexure A-4 ), the receipt of which is not disputed by him. Without any doubt, this was an adverse order against the applicant. On receipt of the same, the applicant kept quiet till 14.7.1980 and again represented which was also rejected on 20.11.1985. On these facts, that are not in dispute, the period of limitation for redressal of the grievance of the applicant under the Act has to be computed from 28.2.84, on which date he received the order dated 6.2.1984 of the Collector. When we so compute the period of limitation it is clear that this application made before us on 24.08.1987



is clearly barred by time.

8. As pointed out by us, in Dr.(Smt. Kshama-Kapur v. Union of India (1987)4 ATC 329, the repeated representations made by an official and the repeated orders made on such representations, from time to time by one or the other authority, will not be of any avail in determining the bar of limitation created by Sec.21 of the Act. On the ratio of the ruling in Dr.(Smt) Kshama-Kapur's case, we must necessarily ignore the representations made by the applicant on receipt of the order dated 28.2.1984 and the one made on 14.7.1986 and the further order made on 20.11.1986.

9. On the foregoing, it follows that this application which is clearly barred by time, cannot be entertained by us. If that is so, then, the question of our examining the merits, does not arise. We therefore decline to examine the various interesting questions that arise in the case.

10. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-

VICE CHAIRMAN

10/10/88

an.

Sd/-

MEMBER (A)

10/10/88

TRUE COPY

DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE