

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 16 MAR 1989

APPLICATION NO (S) 175 /89(F)

W.P. NO (S)

Applicant (s)

Respondent (s)

Shri Mallikarjun Virupaksha Mulimani, IFS V/s The Secretary, Department of Forest
To & Wildlife, New Delhi & 5 Ors

1. Shri Mallikarjun Virupaksha Mulimani, IFS
Deputy Conservator of Forests
Ghataprabha Division
Gokak
Belgaum District
2. Shri M.S. Anandaramu
Advocate
128, Cubbonpet Main Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application(*) on 28-2-89.

for DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

Issued
K. N. [Signature]
6-3-89

e/c

BEFORE THE CENTRAL ADMINISTRATIVE
BANGALORE BENCH: BANGALORE

DATED THIS THE 28TH DAY OF FEBRUARY, 1989

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ...VICE-CHAIRMAN

HON'BLE SHRI L.H.A. REGO ...MEMBER (A)

APPLICATION NO. 175/1989

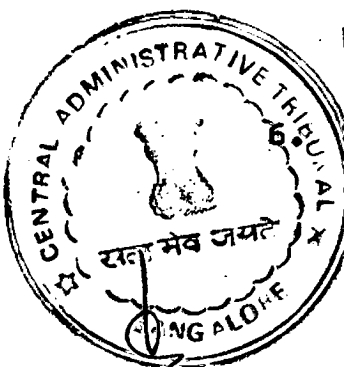
Sri Mallikarjun Virupaksha Mulimani,
aged about 44 years, now working as
Deputy Conservator of Forests,
Ghataprabha Division, GOKAK
residing at GOKAK, Belgaum District.

...APPLICANT

(Shri M.S. Anandaramu.....Advocate)

vs.

1. The Union of India represented by
the Secretary to the Government of
India, Department of Forests and
Wildlife, 'PARAYAVARAN BHAVEN',
Lodi Road, NEW DELHI.
2. The Union Public Service Commission
represented by its Secretary,
NEW DELHI.
3. The State of Karnataka represented
by the Secretary to Government,
Animal Husbandry, Fisheries and
Forests Department, Multi Storied
Building, Dr. Ambedkar Veedhi,
BANGALORE-1.
4. The Chief Secretary,
Government of Karnataka,
Vidhana Soudha, Bangalore-1.
5. Sri A. Akbarsha,
aged about 45 years,
now working as Silvi Culturist,
Forest Department, MADIKERI,
Kodagu District.
6. Sri S.M. Cheluvadi,
aged about 45 years,
Deputy Conservator of Forests,
Forest Department, Belgaum
Division, BELGAUM.



This application having come up for hearing before this Tribunal to-day, Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman, made the following :-

O R D E R

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

2. Shri Mallikarjun Virupaksha Mulimani, the applicant before us, joined service as an Assistant Conservator of Forests (ACF) in the Karnataka State Forests Service (KRS). For the reporting year 1971, the Reporting Officer made certain adverse entries in his Annual Confidential Report (ACR) which was communicated to him on 19.1.1977. On that the applicant made representations for their expunction on 27.1.1977 before Government of Karnataka, which by its order no. FFD 55 FEG 77 dated 29.4.1977 (Annexure-A) accepted the same in part and rejected the same in other respects.

3. Evidently on the basis of his selection to the vacancies which existed as on 1.1.1977, the applicant has been appointed to Indian Forest Service (IFS) by Government of India in its notification no. 17013/16/78-AIS(IV) dated 23rd May, 1978 (Annexure-B)

under the Indian Forest Service (Appointment by promotion) Regulations, 166. But notwithstanding this, the applicant in this application made on 17-2-1989 claims that he should have been promoted and appointed to IFS even earlier to that.

4. On an examination of this application, the office has stated that this seeks to agitate matters which arose prior to 1.11.1982 and therefore this Tribunal has no jurisdiction to entertain and adjudicate the same. We have perused the office objection and heard Shri M.S. Anandaramu learned counsel for the applicant on the same.

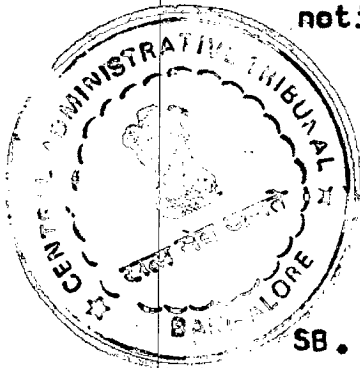
5. Shri Anandaramu contends that the period of limitation for the application should be reckoned from the last endorsement order issued by Government of Karnataka on 21st January, 1983 (Annexure-E) and so reckoned this application was maintainable and was also in time.

6. We will assume that Shri Anandaramu is right in his stand. But then also this application made beyond six months after the constitution of this Tribunal on 1.11.1985 is barred by time (vide Section 21(3) of the Act) On this short ground this application is liable to be rejected.



7. We have carefully perused the office objection. We are firmly of the view that the claim of the applicant relates to a period prior to 1.11.82. If that is so then as pointed out by this Tribunal in V.K. MEHRA v. SECRETARY ATR 1986 CAT 203 and KSHAMA KAPOOR v. UNION OF INDIA 1987 (4) ATC 329, this application cannot be entertained by this Tribunal.

8. On any view, this application is liable to be rejected either on the ground of jurisdiction or limitation. We, therefore, uphold the office objections and reject this application at the admission stage without notices to the respondents.



SB.

Sd/-

VICE-CHAIRMAN

28/1

1987

Sd/-

MEMBER (A)

1282/89

TRUE COPY

for DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL

76/3/89