

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.
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Date of Decision: May 05, 1993.

OA 706/92
(OA 314/88)

NAND KISHORE

... APPLICANT.

VS.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

HON' BLE SHRI GOPAL KRISHNA, MEMBER (J).

HON' BLE SHRI O.P. SHARMA, MEMBER (A).

For the Applicant

... NONE.

For the Respondents

... NONE.

J U D G E M E N T (ORAL)

(DELIVERED BY HON' BLE MR. GOPAL KRISHNA, MEMBER (J).)

In this application u/s 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction that he should be given seniority since 1970 and not from 1978, with all consequential benefits.

2. The facts of the case giving rise to this petition are as follows; the petitioner was promoted as Trains Clerk on ad-hoc basis w.e.f. 29.12.70 and he was regularised on the same post on 31.5.78. The petitioner was not given seniority from 1970 but from 1978 despite his request and representation.

3. The petition has been contested on behalf of the respondents on the ground that the petitioner has been given seniority in the cadre of Senior Trains Clerk from the year 1978. It is averred on behalf of the respondents that in the note, appended to the order Annexure A-4, it was clarified that promotions given vide this order were on ad-hoc basis and they did not confer any right to claim seniority over those who were otherwise senior. It is further alleged on behalf of the respondents that the petitioner had filed a representation for assignment of seniority in the cadre of Senior Trains Clerk with effect from 1970 and the aforesaid representation was duly considered and its reply was communicated to the petitioner vide Annexure A-2 dated 18.10.84.

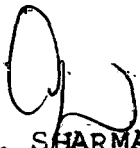
4. The applicant or his counsel is not present. None is present on behalf of the respondents. We have perused the records.


5. A preliminary objection as to limitation has been raised on behalf of the respondents. It is stated in the reply that the present petition is barred by limitation as prescribed u/s 21 of the Administrative Tribunals Act, 1985. The representation of the applicant regarding his seniority was finally decided by the respondents vide communication dated 18.10.84 (Annexure A-2).

Cf. K. S. R.

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If at all the petitioner was aggrieved by this order dated 18.10.84, he ought to have filed a petition challenging the assignment of his seniority within the prescribed period of limitation. The present petition challenging his seniority was filed by the petitioner on 24.5.88. The petition, therefore, having been filed after a lapse of more than 3½ years of the accrual of the cause of action to the applicant, is hit by the bar of limitation and it is, therefore, liable to be dismissed on this ground alone. We accordingly dismiss the petition as being time barred. There shall be no order as to costs.


(O.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)