

AB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JODHPUR BENCH
At Jaipur.

Date of decision: January 11, 1989.

O.A. No.743/1988

SHRI K.J. BOOLCHANDANI

... Applicant.

Mr. A.M.Bhandawat

... Advocate for the
applicant.

Versus

UNION OF INDIA & ANOTHER.

... Respondents.

CORAM:

The Hon. Mr. B.S. Sekhon, Vice Chairman.

The Hon. Mr. G.C. Singhvi, Admn. Member.

B.S. SEKHON.

The applicant- presently working as Executive Engineer (Valuation) in Income-tax Department, has preferred the instant Application under section 19 of the Administrative Tribunals Act, 1985 (for short the Act). He has prayed that respondent No.1 be directed to promote him as Executive Engineer (Civil) on regular basis with effect from September 1, 1971, the date on which Shri V. Ramabhadram was promoted as Executive Engineer (Civil). Stating that Shri Rambhadaram was also selected along with him as Assistant Engineer (Civil) as a direct recruit through the UPSC, the applicant has stated that Shri Rambhadram was junior to him according to the rank allotted by the UPSC. Shri Rambhadram's eligibility was reckoned from the date from which he was promoted as Assistant Engineer, that is, with effect from October 11, 1962 on ad hoc basis, whereas, in the case of the applicant the period of 8 years' service was reckoned from the date from which he was appointed as Assistant Engineer as a direct recruit through UPSC, i.e. with effect from January 10, 1964. The applicant's representations did not yield any fruitful result. Vide communication

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- 2 -

dated June 14, 1988 (copy Ann.A -8) the applicant has been advised that though the seniority list of Assistant Engineers issued in 1982 has been declared as final subject to confirmation, a proposal is under consideration for further amendment to the seniority and confirmation rules 1982 and revision of 1982 seniority lists and that a decision on this is likely to be taken soon by the Government. He was also told that adjustment in the seniority list, if any, will be considered immediately thereafter.

2. When the Application came up for admission, the learned counsel for the applicant was queried as to how the instant Application is within limitation. The learned counsel stated that the applicant has been making representations and that limitation should be computed from June 14, 1988, the date of Ann.A-8. It is well established that mere making of repeated representations does not have the effect of extending the period of limitation and that once the period of limitation starts running nothing stops it from running. The real grievance of the applicant arose on September 1, 1971 when Office Order Ann.A.1 was issued. Computing limitation from the aforesaid date, the Application is hopelessly barred by limitation. Even if limitation were to be computed from the date of finalisation of the seniority of Assistant Engineers in 1982 the Application would still be time-barred. As per the provisions of section 21(3) of the Act, the Tribunal is also not competent to entertain an Application pertaining to a grievance which arose within the period preceding 3 years of the appointed date, i.e. before November 1, 1982. In view thereof, the

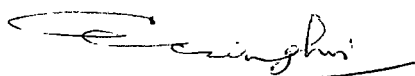
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- 3 -

Application is also not entertainable by the Tribunal.

3. In the premises, the Application is hereby rejected at the admission stage.



(G.C. Singhvi)

Admn. Member.

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(B.S. Sekhon)

Vice Chairman.

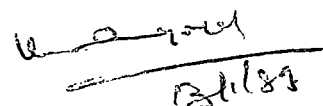
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counsel for applicant

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