

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.860/89

Dt. of order: 26.8.1993

Brijendra Singh

: Applicant

vs.

Union of India & Ors. : Respondents

None present for the applicant

Mr. Manish Bhandari : Counsel for respondents

CORAM

Hon'ble Mr. B.B. Mahajan, Member(Adm.).

Hon'ble Mr. Gopal Krishna, Member(Judl.).

HON'BLE MR. B.B. MAHAJAN, MEMBER(ADM.).

Brijendra Singh, has filed this O.A. under Sec. 19 of the A.Ts Act, seeking the following relief:

- a) The respondents No.2 and 3 be directed to grant the yearly increment counting the officiating periods of the applicant from 18.4.80 to 15.7.80 and as Ticket Collector scale Rs.260-400 from 16.7.80 to 23.4.81 as Asstt. Goods Clerk scale Rs.260-430 and to revise further increments granted to him as Typist scale Rs.260-400 working since 24.4.81 and to pay arrears accrued due to revision of increments since then with all other consequential benefits.
- b) The respondents No.2 & 3 may further be directed to regularise the posting of the applicant as Typist from 24.4.81 as he was posted as such after requisite practical test of Typing and with the approval of the respondent No.4 and subsequently passing the selection on 19.10.87.
- c) The respondent 2 and 3 may also be directed to assign the applicant correct seniority with reference to his date of posting as Typist from

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24.4.81 as mentioned in sub-para (2) above and also give him further promotion as Sr. Typist from the date the candidates recruited by Rly. Recruitment Board Board though were given appointment in the year 1984 and onwards yet promoted as Sr. Typist.

- d) Any other order/direction may be passed in favour of the applicant which may be deemed just fit and proper under the facts and circumstances the case.
- e) The application be allowed with cost."

The respondents have taken the preliminary objection that the application is barred by limitation. None is present for the applicant today. We have heard the counsel for the respondents. The provisions of the relief clause itself shows that the relief is being sought much after the lapse of one year provided under Sec.21 of the A.Ts Act. So far as relief No.(1) is concerned. So far as the relief regarding seniority mentioned in item No.2 & 3 of the relief clause is concerned, the applicant has stated in para 6 (14) of the O.A. that he submitted his first representation on 2.2.1988. The O.A. could thus be filed in respect of seniority on expiry of 18 months from that date assuming that the representation had earlier been filed in time. The O.A. should therefore ^{have} ~~had~~ been filed by 2nd of Aug. 1989 but it has been filed on 23.10.89. Repeated representation do not extend the limitation. No M.P. for condonation of delay has been filed nor has any prayer been made in the O.A. regarding condonation of delay and it has ~~been~~ wrongly been declared that the application is within limitation. The O.A. ^{as barred by limitation} is dismissed accordingly! parties to bear their own costs.

G.Krishna
(Gopal Krishna)
Member (J)

B.B.Mahajan
(B.B.Mahajan)
Member (A)