

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

RA No.11/2006 in OA No.458/2004.

Jaipur, this the 7th day of November, 2006.

Krishna Avtar Gupta
S/o Late Shri Nannoo Mal Gupta
Aged about 65 years,
R/o B-31, Triveni Nagar,
Jaipur-18.

... Applicant.

Vs.

1. Union of India
Through Secretary (Sec. & Higher Education)
Ministry of Human Resource Development
Govt. of India, Shastri Bhawan,
New Delhi.
2. Commissioner,
Kendriya Vidyalaya Sangathan,
18 Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.
3. Commissioner/Director,
Navodaya Vidyalaya Samiti,
Indira Gandhi Stadium, Administrative Block,
Near I.T.O.
New Delhi.

... Respondents.

: O R D E R (BY CIRCULATION) :

OA No.458/2004 was dismissed vide order dated 23.08.2006 as the same was time barred. The applicant in the OA had claimed for regularization of his service w.e.f. 12.08.1994 to 29.09.1994. The respondents have taken a plea that the OA was time barred as the applicant is stated to have not approach^{ed} the Tribunal within the time prescribed under Section 21 of the Administrative Tribunals Act, 1985. Since the claim related to a period



w.e.f. 12.8.1994 to 29.09.1994 and the OA was filed on 18.10.2004 almost after ten years of the cause of action had arisen to the applicant, ^{reached to} So the Tribunal has ~~made~~ a conclusion that the claim is highly belated and barred by law of limitation.

2. In this Review Application, the applicant is pleading about the merits of the case and he alleges that the Tribunal had failed to direct the respondents to pay the salary of the applicant for the period in question on the principle of "WORK AND PAY" and "NO WORK NO PAY". The applicant further stated that the respondent No.2 had never refused to make payment and whenever the applicant sent his representation, Respondent No.2 directed Respondent No.3 to release pension and since no letter of denial for payment had been received despite his repeated reminders to the respondents, so an appeal was also sent to Commissioner, Kendriya Vidyalaya Sangathan, New Delhi who is the appellate authority for the Vice Principals and after getting no response another appeal was sent to the Chairman, KVS, New Delhi. So the applicant submits that the law of limitation should not have been applied. These submissions of applicant made in Review Application have no merits because admittedly the applicant has not been paid salary for a period w.e.f. 12.8.1994 to 29.09.1994 and he has filed OA on 18.10.2004. It is not disputed that he had been sending representations one after another but that will not extend the time period as

per the law laid down by the Hon'ble Supreme Court in the case of S. S. Rathore vs. State of MP, AIR 1990 SC 10. If the initial representation was ^{not be} answered properly than the applicant had to file OA immediately thereafter. But the repeated representations do not extend the time so we are of the considered view that the OA has been rightly dismissed and no new ground has been made to show that there is any error apparent in the face of record which may call for reviewing the judgment.

3. The Review Application is, therefore, dismissed ^{by} circulation itself.


(J. P. SHUKLA)

ADMINISTRATIVE MEMBER


(KULDIP SINGH)

VICE CHAIRMAN