

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

DATE OF ORDER: 7.12.2001

1. OA NO. 336/96 with MA No. 278/96

Nathilal son of Shri Daulatram resident of 57/3 TTV Line Jaipur kent at present working as Store Keeper in MES, Jaipur.

2. OA No. 337/96 with MA No. 279/96

Jaisingh son of Shri Ruldaram resident of S-41, Kumawat Colony, Jhotwara, Jaipur at present working at Meter Reader in the office of GE, MES, Khatipura Road, Jaipur.

....Applicants

VERSUS

1. Union of India through the Secretary, Ministry of Defence New Delhi.
2. The Engineer in Chief, Head Office : Kashmir House, Army Head Quarter, DHQ, New Delhi.
3. Head Quarter, Chief Engineer, Southern Command, Pune
4. Chief Engineer, MES, Jaipur Zone, Jaipur.
5. Command Works Engineer, MES, Jaipur.
6. Garrison Engineer, MES, Khatipura Road, Jaipur.

....Respondents.

Mr. V.K. Mathur, Counsel for the applicants.

Mr. Gaurv Jain, Counsel for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)

Hon'ble Mr. A.P. Nagrath, Member (Administrative)



ORDER

PER HON'BLE MR. A.P. NAGRATH, MEMBER (ADMINISTRATIVE)

The cause of action been common in these two OAs, these are being disposed of by this common order.

2. The applicants claim that they are senior to Shri Chhatardas Sant. The said Shri Chhatardas Sant was promoted to HS Grade II on 15.10.84. The prayer of the applicants are that respondents be directed to pay salary of the HS Grade II w.e.f. the date their junior, Shri Chhatardas Sant, was so promoted.

3. It is clear that applicants are claiming relief w.e.f. 15.10.84 and this application has been filed in the year 1996. The applicants have claimed that these applications are within limitation period as prescribed u/s 21 of the Administrative Tribunal's Act, 1985.

4. We are unable to appreciate how these OAs are within limitation period, as prescribed u/s 21 of the Administrative Tribunal's Act, 1985. The cause of action admittedly has arisen on 15.10.84 when their alleged junior was promoted as HS Grade II. The learned counsel for the applicants stated before us that the applicants have been representing from time to time right from the year 1985 but there has been no response from the department.

5. Section 21 of the Administrative Tribunals Act provides that the government servant who has legitimate claim should immediately agitate for the same against the adverse order against him and on getting the final order or within a period of one year after the lapse of 6 months from the date of representation to which no reply has been received, he must approach the Tribunal for redressal of his grievance.

6. In S.S. Rathore Vs. State of M.P., AIR 1990 SC, it has been made very clear that representations do not extend the period of limitation.

7. In Bhoop Singh Vs. Union of India, AIR 1992 SC 1414, it was held by Hon'ble Supreme Court that it is expected of the Government Servant who has legitimate claim to approach the Court for the relief he seeks within a reasonable period. This is necessary to avoid dislocating the administrative set up. The impact on the administrative set up and on other employees is strong reason the consideration of stale claim.

8. In U.T. Daman U Deu & Others Vs. R.K. Valand, 1996 (1) SCC (L&S) 205, Hon'ble Supreme Court held that the Tribunal fell in patent error in brushing aside the question of limitation by observing that the respondents has been making representation from time to time and as such the limitation would not come in his way.

9. On the basis of above legal position, it is clear that repeatedly representations do not keep the cause of action alive. In these cases, the cause of action had arisen on 15.10.84 when Shri Chhatardas Sant was promoted to HS Grade II. If the applicants were aggrieved, they were required to press the matter within time prescribed, from the date of this order.

10. MAs have also been filed by the applicants, seeking condonation of delay on the ground that the claim of the applicants gives rise to recurring cause of action. We do not find this plea acceptable as promotion from one grade to another is one time order and if any person feel aggrieved with the order, he is required to challenged the same within the time prescribed under section 21 of Administrative Tribunal's Act, 1985. The submissions made in the MAs are totally devoid of merit and liable to be rejected. The prayer made for condonation of delay in this two MAs is rejected and the MA stands disposed of accordingly.

11. These two OAs are dismissed as hopelessly time barred. No order as to costs.

Chh
(A.P. NAGRATH)

MEMBER (A)

S. K. Agarwal
(S.K. AGARWAL)

MEMBER (J)