

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.84/2000

Date of order: 11.4.2002

M.A No.66/2000

Ram Karan Sharma, S/o Sh.Kalyan Prasad Sharma,
working as Laboratory Attendant (Class IV), the
Institute of Hotel Management Catering Technology &
Applied Nutrition, Sikar Road, Bani Park, Jaipur.

...Applicant.

Vs.

1. The Institute of Hotel Management Catering
Technology & Applied Nutrition, Sikar Road, Bani
Park, Jaipur, through its Chairman.
2. The Principal, Institute of Hotel Management
Catering Technology & Applied Nutrition, Sikar Road,
Bani Park, Jaipur.

...Respondents.

Mr.Surender Singh : Counsel for applicant

Mr.Amod Kasliwal : Counsel for respondents.

CORAM:

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

Hon'ble Mr.J.K.Kaushik, Judicial Member.

PER HON'BLE MR A.P.NAGRATH, ADMINITRATIVE MEMBER.

This O.A has been filed seeking relief against the
order of the disciplinary authority dated 18.8.84.

2. When the matter was taken up for arguments, the
learned counsel for the respondents, Sh.Amod Kasliwal,
pressed a preliminary objection on the ground of limitation.
He submitted that this application has been filed almost
after 16 years of the cause of action.


3. The learned counsel for the applicant brought to our
notice that he has filed M.A No.66/2000 with the prayer that



the delay of the matter be condoned. The main ground given is that the jurisdiction of Central Administrative Tribunal as extended to the cases relating to the employees of the Institute of Hotel Management, only w.e.f. 1.1.1999 and for that reason, there was no opportunity for the applicant to agitate this matter before the Tribunal prior to this date. We are not convinced by this argument notwithstanding that the jurisdiction of this Tribunal was extended to cover the Institute of Hotel Management w.e.f. 1.1.1999, the applicant had not been prevented for seeking legal remedies before the appropriate forum which were available for the employees of this department prior to this date. Having not done that, there is no force in the argument on behalf of the applicant, by the learned counsel, that he had no opportunity to seek legal remedies before 1.1.1999.

4. Another plea raised by the learned counsel for the applicant was that the applicant had submitted an appeal against the order of the disciplinary authority well in time i.e. on 29.10.84 and he was making repeated representations, the said appeal was decided only by an order dated 25th July/13th Aug.1996. Against this order, he had filed a civil suit on 12.8.99. On an objection raised by the respondents regarding jurisdiction of the civil court, the applicant has filed this O.A.

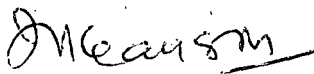
5. We have perused the order of the appellate authority dated 25.7/13.8.96 (Annx.A1). The appeal has not been considered on merits and has been dismissed as it has been found to be time barred. Obviously, this order of the appellate authority does not give rise any cause of action. Even accepting that the applicant had submitted the appeal on 20.10.84 against the order of the disciplinary authority



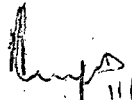
and that he had been making repeated representations after that, the law is well established that repeated representations do not keep the cause of action alive. Therefore, this application is hopelessly barred by time.

6. We, therefore, do not find any merit in the prayer made in the M.A and the same is rejected.

7. In view of the order passed in the M.A, we dismiss this O.A as hopelessly barred by limitation. No costs.


(J.K.Kaushik)

Member (J)


(A.P.Nagrath)

Member (A).