

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O. A. No.060/00424/2015
M.A. No.060/00559/2015

Date of decision: 30.10.2017

...

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).

...

Gurmit Singh S/o Sh. Narata Singh,
Mechanic 201, Depot No.III,
CTU, Sector-25,
Chandigarh.

... APPLICANT

VERSUS

1. Union Territory, Chandigarh
through its Secretary,
Department of Home,
U.T. Secretariat, Sector-9,
Chandigarh.
2. Director, Transport,
U.T. Chandigarh.
3. General Manager,
CTU, Chandigarh.
4. Faqir Chand son of Sh. Charanji Lal,
Mechanic, CTU, Chandigarh,
Deport No.II, Industrial Area,
Phase-I, Chandigarh.
5. Prem Chand son of Sh. Prabhu Ram,
Mechanic, CTU, Chandigarh,
#2670, Sector-38 West, DMC Colony.

... RESPONDENTS

PRESENT: Sh. Amit Kaith, counsel for the applicant.

Sh. Rakesh Verma, counsel for respondents No.1 to 3.

None for respondents No.4 and 5.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant has challenged correctness of order dated 02.09.2013 (Annexure A-15), whereby his representation dated 12.08.2013 to promote him as Fitter from the date his junior was promoted vide order dated 23.12.1992 (Annexure A-4) has been rejected. He has further sought issuance of direction to the respondents to consider and promote him from the date when his junior was promoted in the year 1992 and then subsequently in the year 2006.
2. Along with the O.A., applicant has also moved M.A. No.060/00559/2015 under Section 5 of the Limitation Act, seeking condonation of 257 days delay in filing the application.
3. Pursuant to notice, official respondents have filed reply to O.A. as well as M.A. for condonation of delay wherein they have submitted that applicant has not mentioned correct number of days and has mentioned delay of 257 days while delay is of 20 years as respondent No.4 against whom applicant is staking his claim was promoted in the year 1992, therefore, this O.A. deserves to be dismissed on account of delay and laches. In this regard, he placed reliance on **Union of India v. M.K. Sarkar** (JT 2009 (15) SC 70: 2010(2) SCC 58).
4. We have heard learned counsel for the parties and are in agreement with the submissions made at the hands of learned counsel for the respondents that this O.A. is hopelessly barred by limitation. Even in his application for condonation of delay, applicant has not given reasons for condoning delay and has mentioned wrong number of

days to condone. It is also established law that by making representations, cause of action cannot be extended. In case in hand cause of action first arose in favour of the applicant in the year 1992 precisely on 23.12.1992, and hence delay has to be calculated from that date, which is of 20 years. This has so been held by the Hon'ble Apex Court in the case of **S.S. Rathore vs State Of Madhya Pradesh** (1990(4) SCC 582), wherein Hon'ble Apex Court has held that representations will not extend the period of limitation. This view still holds the field. Even the Apex Court in the case of M.K. Sarkar (supra) Lordships have categorically held that those who have not approached Court of law when cause of action arise in their favour and fail to give plausible reasons for condoning delay, such cases are to be dismissed. Therefore, we have no option but to accept contention of the respondents that applicant has failed to give plausible reasons for condoning huge delay of 20 years.

5. Accordingly, the O.A. along with M.A. is dismissed being devoid of any merits.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 30.10.2017.
Place: Chandigarh.

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