

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

**Misc. Application No.00635/2017 &
O.A.NO. 060/00643/2016 Date of order:- 6.3.2018.**

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mrs.P.Gopinath, Member (A).

Harbhajan Singh son of late Sh. Karnail Singh, working as General Supervisor, Civic Cell, Station Headquarters, Chandimandir, Panchkula, Haryana.

.....Applicant.

(By Advocate :- Mr. Rohit Sharma)

Versus

1. Union of India through the Secretary to Government of India, Ministry of Defence, New Delhi(South Block).
2. Directorate General of Staff Duties SD-7 (Adm. Civs.) General staff Branch, Integrated Headquarters of MOD(Army) Sena Bhawan, New Delhi-110 011.
3. General Officer Commanding in Chief, Western Command, Chandimandir, Panchkula, Haryana.
4. Station Commander, Chandimandir, Panchkula, Haryana.

...Respondents

(By Advocate : Shri Sanjay Goyal).

O R D E R (Oral).

Sanjeev Kaushik, Member (J):

Present Miscellaneous Application has been filed under Section 21(3) of the Administrative Tribunals Act, 1985, for

condoning delay of about 8000 days in filing the accompanying Original Application.

2. This Court, at the first instance, issued notice in Miscellaneous Application, to which the respondents have filed reply.

3. After exchange of pleadings, the matter came up for hearing. Shri Rohit Sharma, learned counsel appearing on behalf of the applicant submitted that the applicant is seeking implementation of recommendations made in his favour by the respondent department to re-fix the seniority which the respondents have fixed in the year 1994. He argues that the applicant is continuously making representations as a result of which the respondents had recommended his case to the higher authority to change his seniority (latest recommendation is dated 12.1.2016).

4. Respondents have strongly opposed the prayer of the applicant and have submitted that they have finalized the seniority list of his cadre way back in 1994 after inviting objections to the tentative seniority list. Once the seniority list has been finalized in the year 1994, then the recommendations made by the authority will not help him unless seniority list is set aside by the Court of laws. It has further been argued that the by filing the present petition, the applicant is challenging seniority list which was circulated/finalized in the year 1994 i.e. after a lapse of 22 years, thus, the present Misc. Application is hopelessly barred by law of limitation and the same be dismissed.

5. We have given our thoughtful consideration to the entire matter and are of the view that once the seniority has already been finalized after inviting objections from the concerned quarter in the year 1994, then merely that an officer has given recommendation to reconsider to refix the seniority will not give him any right to unsettle the settled issue. As per section 21 of the Administrative Tribunals Act, 1985, an aggrieved person has to approach the Court of law within one year from the date of cause of action or the period can be extended by another six months if statutory appeal or revision is pending/un-answered. This is not the position in the present case. Admittedly, the seniority list in the case of the applicant has been finalized in the year 1994, and by making recommendations for modification/alteration in the seniority list in the case of the applicant will not extend the period of limitation.

6. Section 21 of the Administrative Tribunals Act, 1985, has been discussed in the case of **Union of India v. M.K. Sarkar** (JT 2009 (15) SC 70), wherein 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. It has also been held that limitation is to be taken from original cause of action and not from subsequent communications. Merely serving a legal notice would not extend the period of limitation as held in the case of **S.S. Rathore vs State Of Madhya Pradesh** 1990(4) SCC 582.

7. Since the applicant fails to give plausible reason in support of his application for condonation of delay, therefore, we find no reason to condone huge delay of 8000 days in filing the O.A. Accordingly, the M.A. and OA are dismissed being devoid of merit.

**(SANJEEV KAUSHIK)
MEMBER (J)**

**(P.GOPINATH)
MEMBER (A).**

Dated:- March 6, 2018.

Kks

