

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

RA/310/0014/2019 in OA/310/00188/2015

Dated the 28th day of August Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr.P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

Mr.S.Jagannathan,
Additional Superintendent of Police,
CBI (Retd.), Plot No.84 & 85,
Door No.35, Nehru Street,
Alwarthirunagar, Valassaravakkan,
Chennai 600 087. .. Applicant/Applicant
By Advocate M/s.V.Appakutty

Vs.

1. Union of India rep by
The Director,
Central Bureau of Investigation,
CGO Complex, Lodhi Road,
New Delhi 110003.
2. Union of India, rep by
The Secretary,
M/o Home Affairs,
New Delhi 110001.
3. Union of India, rep by
The Secretary,
M/o Personnel, Public Grievances & Pension,
Department of Personnel & Training,
North Block, New Delhi 110001.
4. Dy. Director (per.1), O/o the Director, CBI,
CGO Complex, Lodhi Road,
New Delhi 110003. .. Respondents/Respondents

By Advocate **Mr.C.Kulanthaivel**

**ORDER (RA By Circulation)
(Pronounced by Hon'ble Mr.P.Madhavan, Member(J))**

The applicant in OA 188/2015 has filed this RA 14/2019 seeking review of the order passed by this Tribunal in the above said OA dated 05.3.2019.

2. The above OA was filed by the applicant in RA seeking to quash the impugned order dated 23.12.2014 passed by the 4th respondent and to direct the 1st respondent to confer the status of notional promotion in the cadre of SP to the applicant w.e.f. 2004 for the purpose of availing retirement benefits. This Tribunal had dismissed the said OA as barred by limitation.

3. The applicant has now filed this RA seeking to cancel the order passed in the above OA and pass an appropriate order granting relief as prayed for in the OA for the reasons stated as follows:-

“According to the RA applicant, the OA cannot be considered as barred by limitation as the representation was rejected only on 14.11.14. Further, the respondents had not raised the plea of limitation in their pleadings and hence it is not proper to consider it as a ground for dismissing the OA.”

4. We have considered the plea raised in the RA and carefully gone through the orders passed by this Tribunal in OA 188/15 dated 05.3.19. There is no dispute to the fact that the DPC has not granted promotion to the applicant and granted promotion to his juniors on 31.12.04. The applicant ought to have challenged the action immediately within one year of the said order. But he made his representation against it only in the year 2013, i.e. after a lapse of more than 9 years. Plea of limitation can

be raised at any time. Whether a claim is barred by limitation is a question of law and there is no necessity for pleading in the reply.

5. The RA applicant has not brought out any new facts or material nor has he succeeded in bringing out any patent error in the order passed in the OA. We are not inclined to go into the merits again in a review application. Hence the RA lacks merits and it is liable to be dismissed.

6. Accordingly, RA 14/2019 is dismissed.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

28.08.2019

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