

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2654/2003  
M.A.NO.2302/2003

Wednesday, this the 5th day of November, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri S. A. Singh, Member (A)

Shri Mangal Sain s/o Shri Bhagwan Singh  
Working Water Man under Traffic Delhi  
and posted at Northern Railway Station  
Kharal Dist. Rohtak

..Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the General Manager  
Northern Railway, Baroda House  
New Delhi
2. The Divisional Railway Manager  
Northern Railway, Near New Delhi  
Railway Station, New Delhi
3. The Divisional Personal Officer  
DMR Officer, Northern Railway,  
Near New Delhi Railway Station  
New Delhi

..Respondents

O R D E R (ORAL)

**Shri Justice V.S. Aggarwal:**

On 3.5.1991, the applicant, as has been mentioned in OA, was working as Booking Clerk and was reverted to the post of Waterman w.e.f. 4.5.1991. By virtue of the present application, he seeks a direction to the respondents to pass an appropriate order for deciding the period from 4.5.1991 to 1.2.1993 for which the applicant was waiting for orders for his posting after reversion, and fixation of pay.

2. Along with the application, a petition (MA-2303/2003) has been filed seeking condonation of delay in filing of the present application. It has been pointed that the applicant is a class-IV employee. He

154

(2)

has been filing number of representations. The decision pertaining to fixation of pay is a recurring cause of action and taking stock of these facts, it is asserted that the delay may be condoned.

3. While the applicant contends that direction should be issued to pass an appropriate order for deciding the period from 4.5.1991 to 1.2.1993, the records speak otherwise. The applicant has placed on record the copy of the order passed by the Assistant Personnel Officer, New Delhi, which reads:-

"In continuation to this office letter (notice) of even no. dated 28/5/91 now Sh. Mangal Sain son of Shri Bhawan Singh, Waterman gr. 750-940 (RPS) is now posted at AMIN at his own request against an existing vacancy."

It clearly shows that the posting order in fact has been issued on 29.1.1992, therefore, not only the order had been issued, a fact which cannot be ignored, but the applicant had allowed almost ten years to elapse. Repeated representations will not extend the period of limitation.

4. We do not dispute the proposition that if there is a recurring cause of action, the period of limitation would not come to an end though the relief can be couched in different terms. But herein, as already pointed, the order had been passed, which we have reproduced above, way back in the year 1992 at the request of the applicant. Therefore, the applicant now cannot claim that the period of limitation has not elapsed and there

16 Aug

( 3 )

would be no recurring cause of action in the facts of the present case.

application seeking condonation of delay and  
5. Resultantly, OA must fail and is accordingly dismissed in limine.

  
( S.A. Singh )

Member (A)

  
( V.S. Aggarwal )  
Chairman

/sunil/