

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.061/00588/2019
Chandigarh, this the 2nd day of December, 2019

...
CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. A.K. BISHNOI, MEMBER (A)

....

Mohinder Kumar S/o Vijay Kumar, aged 33 years R/o Kot Badhani, Tehsil Balwal, Jammu (J &K) – 181122 Group 'C'

....**Applicant**

(Present: Mr. Jagdeep Jaswal, Advocate)

Versus

1. Union of India through Secretary, Ministry of Defence, South Block, New Delhi – 110011.
2. Engineer-in-Chief, army HQ Rajaji Marg, Kashmir House, New Delhi – 110011.
3. Chief Engineer, Northern Command, C/o 56 APO.
4. Chief Engineer, Western Command, C/o 56 APO.
5. HQ Commander Works Engineer Udampur, PO Garhi, Udampur, J & K – 182121.
6. HQ Commander Works Engineer, Jammu, Pin – 900172.
7. HQ Commander Works Engineer, C/o 56 APO.
8. HQ Commander Works Engineer, Yol Pin – 176052.
9. HQ Commander Works Engineer, Pkt Zone-145001.
10. HQ Commander Works Engineer 1345 Works Engineer, C/o 56 APO.

..... **Respondents**

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The present O.A. has been filed by the applicant assailing the information obtained under RTI Act, which are letters dated 26.11.2018 and 20.12.2018 (Annexures A-1 and A-1/1 respectively). He has sought



quashing of order dated 29.12.1993 (Annexure A-9) whereby the respondents have issued the list of selected candidates for the post of Mate (FGM). He has also filed an MA (NO. 061/00938/2019) under Section 21 (3) of AT Act, 1985 seeking condonation of delay of 1637 days in filing the accompanying O.A.

2. Applicant applied for selection and appointment to the post of Mate FGM in MES and the result thereof was finalized way back in the year 2013. The applicant could not make it to the merit list, therefore, he was not offered appointment. He, however, kept on making representations repeatedly to the respondents. Thereafter, he moved application under RTI Act and got information vide letters dated 26.11.2018 (Annexure A-1) and 20.12.2018 (Annexure A-1/1) which is the select list showing the name of the applicant and also other candidates lower than him in the merit, which are under challenge in this O.A., on the grounds mentioned in the O.A.

3. Apparently, the applicant has challenged the selection which had been finalized in the year 2013 itself. The only ground taken by the applicant for condoning the delay is that since he was making representations to the respondents during these years and was trying to obtain information under RTI Act, therefore, the delay caused in approaching the Court of Law be condoned. The law on this aspect is very clear that repeated representation by the aggrieved person cannot extend the limitation prescribed under the AT Act, 1985, as held in the case of **Bhoop Singh Vs. Union of India & Others** AIR 1992 SC 1414 and **S.S. Rathore Vs. State of M.P.** (1989) 4 SCC 582.

4. In view of the above, we do not find any reason to condone such an ordinate delay in filing the O.A., therefore, the MA (No. 061/00938/2019) is



dismissed. Accordingly, the O.A. is dismissed on the ground of delay and laches.

(A.K. BISHNOI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 02.12.2019

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