

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CWP No.7158 of 2015

Date of Decision:- 20.04.2015.

Balwant Singh and another

.....Petitioners

Versus

Bharat Sanchar Nigam Ltd. and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. N.P. Mittal, Advocate for the petitioners.

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**SURYA KANT, J. (ORAL)**

The petitioners impugn the order dated 20.01.2015, whereby, the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'Tribunal') has rejected their claim for assigning them the recruitment year of 1995 instead of 1999 in the cadre of Junior Telecom Officers (Outdoor-II), being barred by limitation.

It may be true that the respondent-Department erroneously clubbed the vacancies for the years 1995, 1996, 1997 and 1997 and conducted a common examination in September, 2000. The petitioners appeared in that examination but could not qualify as per the prescribed standard. The parameters were

subsequently relaxed for the reserved category candidates and, consequently, the petitioners also got promoted as JTO (Outdoor-III) on 13.11.2002 and 11.11.2002, respectively. They were assigned the recruitment year of 1999.

The petitioners raked up the matter, regarding allocation of the year first time vide representation dated 29.10.2012. That representation was directed to be disposed of by the Tribunal vide an earlier order passed on the basis of concession given by counsel for the respondents. Pursuant thereto, the Authorities turned down the claim of the petitioners. Thereafter, the petitioners filed the Original Application in the year 2013 which has been dismissed by the Tribunal on the ground of limitation.

We have heard Sh. Mittal, learned counsel for the petitioners and gone through the record.

It is the conceded position that before 2012, the petitioners never sought reallocation the recruitment year from 1999 to 1995. The date when representation dated 29<sup>th</sup> October, 2012 was made by them, such a claim was undoubtedly time barred. The question whether cause of action stood revived when the order rejecting their representation was passed by the Authorities in compliance to the direction issued by the Tribunal, is no longer *res integra* and has been settled by the Hon'ble Supreme Court in **Union of India Vs. N.K. Sarkar 2010(2) SCC 58** laying down that:-

**“When a belated representation in regard**

to a 'stale' or 'dead' issue/dispute is considered and decided, in compliance with a direction by the Court/Tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the 'dead' issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.”

Following the cited dictum, we are of the considered view that no exception can be taken to the reasons assigned by the Tribunal.

Dismissed.

(SURYA KANT)  
JUDGE

(P.B. BAJANTHRI)  
JUDGE

**April 20, 2015.**

*sandeep sethi*