

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE DR JUSTICE SHAMEEM AKTHER

W.P. No. 13964 of 2008

O R D E R:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed seeking to set aside the order dated 03.12.2007 passed by the Tribunal in O.A.No. 6135 of 2004, whereby the Tribunal dismissed the O.A. by recording that the date of promotion of the petitioner was in the year 1998 or even for that matter the seniority list issued in 1999 as well as the date of the first representation submitted on 09.02.2002 and O.A. was filed on 08.11.2004, is time barred.

The learned counsel for the petitioner submits that the first representation filed by the petitioner was on 09.02.2002, thereafter, he made another representation on 28.10.2004 and the O.A. was filed on 08.11.2004, thus, the Tribunal, ought not to have dismissed the O.A. on the ground of delay.

We note, the petitioner made two representations, dated 09.02.2002 and 28.10.2004. Admittedly, those representations have not yet been decided by the respondents.

More than 15 years have passed since cause of action arose and even the learned counsel for the petitioner is not able to assist this Court whether the cause of action still survives.

Without going into the controversy and in the interest of justice, we hereby give liberty to the petitioner to make a fresh representation to the respondents within a period of one month from today if the issue in the writ petition survives, and on such representation being filed, the respondents shall consider the same and pass appropriate orders thereon, in accordance with law, within a period of three months and the decision that may be taken shall be communicated in writing to the petitioner within a period of two weeks thereafter.

With the above directions, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

14.06.2017

SURESH KUMAR KAIT, J

bcj

DR. SHAMEEM AKTHER, J