



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

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CWP-15180-2019

Date of decision: 28.10.2025

Barnish and others

...Petitioners

Versus

Employees State Insurance Corporation (ESIC) and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Brajesh Mittal, Advocate, for the petitioner
(through V.C.).

Mr. Jaskirat Singh, Advocate, for respondents No.1 to 3.

Mr. Puneet Gupta, Advocate, and
Mr. Anil Rana, Advocate,
for respondents No.4 to 8.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present writ petition, the challenge is to the impugned order dated 11.03.2019 (Annexure P-6) passed by Central Administrative Tribunal, Chandigarh Bench, by which, the Original Application filed by the petitioners was dismissed on the ground of limitation, keeping in view Section 21 of the Administrative Tribunal Act, 1985.

2. Learned counsel appearing on behalf of petitioners argues that the petitioners were selected as Staff Nurses through direct recruitment in September/October, 2008 and a seniority list was finalized in the said Cadre by the respondents on 09.07.2010 (Annexure A-4) wherein, the petitioners were shown junior to certain other Staff Nurses who were also appointed along with them. Learned counsel for the petitioners further



submits that the seniority list was required to be prepared on the basis of marks secured in the selection process, but the said criterion was ignored while framing the seniority list dated 09.07.2010 (Annexure A-4) and it only came to the notice of the petitioners when they were granted the information under Right to Information Act, 2005, vide letter dated 01.05.2013 (Annexure A-6).

3. Learned counsel for the petitioner submits that immediately thereafter, a representation was filed for correction of the seniority list but as the same was not corrected, the same grievance led to the filing of the Original Application before the Central Administrative Tribunal, Chandigarh Bench. However, the said Original Application has been dismissed by the Central Administrative Tribunal, Chandigarh, solely on the ground that the limitation to raise the grievance as prescribed under Section 21 of the 1985 Act, has already expired.

4. Learned counsel for the petitioners further argues that since the seniority list dated 09.07.2010 (Annexure A-4) was prepared without considering the marks secured by the candidates the cause of action arose only when the marks of the each candidates were supplied to them under Right to Information Act, 2005, reply dated 01.05.2013, hence, once it was the duty of the employer to frame the seniority list in accordance with law, which duty was not performed therefore, dismissing the Original Application as time barred by the Central Administrative Tribunal, Chandigarh Bench, was incorrect, hence, it is prayed that the said order passed by the Administrative Tribunal, Chandigarh, may kindly be set aside and the case be remanded back for fresh adjudication on merits.



5. Learned counsel for the respondent-ESIC submits that even if it is assumed that seniority list dated 09.07.2010 was framed without considering the actual marks secured by the candidates but even as per the Original Application, the said information regarding marks was to be within the knowledge of the petitioners as on 01.05.2013 (Annexure A-6) whereas, the original application was filed only in the year 2017, hence, the same has been rightly treated as time barred, as original application can only be filed within a period of 1 year from the cause of action, which period already expired on 30.04.2014 even if the same was taken from 01.05.2013.

6. We have heard learned counsel for the parties and have gone through the records with their able assistance.

7. The Section 21 of the Administrative Tribunal Act, 1985, prescribes the Limitation period for redressal of the grievances. The said Section 21 of the Administrative Tribunal Act, 1985, is reproduce hereunder for ready reference:

“5. Section 21 reads as under:

21. Limitation.—(1) A Tribunal shall not admit an application : (a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.



(2) XXXX XXXX XXXX XXXX

(3) *Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period."*

A perusal of the above would show that the grievance could only be raised before the Tribunal within a period of 1 year from the date of cause of action accrued.

8. Learned counsel for the petitioner submits that they had submitted a representation on 31.08.2015 (Annexure A-8) and thereafter on 03.10.2016, which was rejected on 17.01.2017 (Annexure A-1), hence, it is argued that the limitation period would start from 17.01.2017 and expire on 16.01.2018. However, the said argument cannot be accepted, as the representation was filed after the expiry of the limitation period of the cause of action, and the same arose on 01.05.2013 when the information was supplied to the petitioners under R.T.I. qua their marks secured. No representation filed within a period of one year from the date i.e. from 01.05.2013, has been brought on record. The representation (Annexure A-8) was only filed on 31.08.2015 and the impugned order has been passed on the basis of representation dated 03.10.2016 which is much beyond the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985, stands expired which fact has not been rebutted by the learned counsel for the petitioner.



9. Keeping in view the totality of the circumstances, once the grievance was not raised within the period of limitation prescribed under Section 21 of 1985 Act after getting the knowledge of the actual marks secured by the candidates, which was secured on 01.05.2013 (Annexure A-6), the representation filed after the expiry of 1 year from the said date will not condone the delay in any manner. Even the rejection of such representation will not give any right to claim that the limitation period should start from the said date.

10. In view of the above, no ground is made out to interfere with the order dated 11.03.2019 (Annexure P-6) passed by the Central Administrative Tribunal, Chandigarh Bench, and hence, the present writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

October 28, 2025
anil

(VIKAS SURI)
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No