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Central Administrative Tribunal: Principal Bench

O.A. No.2023/2002

New Delhi this the 9th day of August, 2002

Hon'ble Shri V.K. Majotra, Member (A)

Hon'ble Shri Kuldip Singh, Member (J)

Parmanand S.I. No.2522,
S/o Late Shri Bishambhar Dayal,
Resident of Qr. No. B79,
P.S. Geeta Colony, Delhi.

-Applicant

(By Advocate: Shri R.R. Arvind)

Versus

1. Govt. of National Capital Territory of Delhi,
Through: Lt. Governor,
Raj Bhawan, Shyam Nath Marg,
Delhi.
2. Commissioner of Police,
N.C.T., Delhi,
Police Head Quarter, I.P. Estate,
New Delhi.
3. Addl. Commissioner of Police (Establishment)
Police Headquarters, I.P. Estate,
New Delhi & Others.

-Respondents

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

Shri R.R. Arvind, learned counsel heard.

2. Applicant has challenged order dated 24.8.2000 (Annexure-I) whereby he was granted proforma promotion in the rank of SI (Ex) for the period from 17.9.97 to 21.8.2000 and it was stated that he would not be entitled to draw the pay and allowances for the post of SI for the said period. However, the same period would, otherwise, count towards increment and seniority. Learned counsel stated that applicant had made a representation dated 26.12.2000 (Annexure XVII) to the Commissioner of Police, Delhi stating that he is


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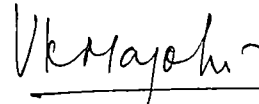
entitled to draw arrears of pay and allowances in the rank of SI(Ex.) w.e.f. 1.9.98. Learned counsel stated that applicant made several representations thereafter to the respondents. However, the respondents have not allowed his claim and have treated his promotion to the rank of SI (Ex.) only on proforma basis for the period from 17.9.97 to 21.8.2000. Learned counsel stated that respondents should have considered his claim in terms of the ratio of Union of India Vs. K.V. Jankiraman, 1991 (4) SCC 109.

3. We find that applicant's representation dated 26.12.2000 was rejected by respondents vide Annexure XVIII dated 27.2.2001. Limitation for filing the OA was available to the applicant for a period of one year from 27.2.2001. However, the present OA has been filed on 9.7.2002 and is badly delayed. Applicant has neither made any application for condonation of delay nor has he satisfactorily explained reasons for delay in filing the OA. Parties have to pursue their rights and remedies promptly and not sleep over their rights and if they choose to sleep over their rights and remedies for an inordinately long time, the court may choose not to interfere in its discretionary jurisdiction. In the present case, applicant slept over his rights, if there were any, with eyes open, which cannot cure laches. Repeated unsuccessful representations not provided by law do not enlarge the period of limitation. We rely on S.S. Rathore Vs. State of M.P. AIR 1990 SC 10, Ex.Capt. Harish Uppal

Vs. Union of India & Ors. JT 1994 (3) SC 126 and A.
Hamsaveni and Ors. Vs. State of Tamil Nadu and Ors.
1994 SCC (L&S) 1277.

4. Having regard to the above discussion, this OA
is dismissed in limine.


(Kuldip Singh)
Member (J)


(V.K. Majotra)
Member (A)

cc.