

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 2026/2001

New Delhi, this the 20th day of August, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Shri Kewal Krishan Arora  
R/o TP-35, Pitam Pura  
Delhi - 34.

...Applicant

(Applicant in person)

V E R S U S

Union of India : Through

1. Secretary  
Ministry of Work Housing  
& Urban Development  
Nirman Bhawan  
New Delhi.
2. The Director General of Works  
C.P.W.D.  
Nirman Bhawan.
3. The Superintending Engineer  
P.W.D.Cicle No.8, 11th Fload  
M.S.O.Building, Police Headquarters,  
New Delhi.
4. Superintending Engineer  
Coord Circle (Civil)  
C.P.W.D. First Floor, Y Shape Building  
I.P.Bhawan, New Delhi.

...Respondents

(None present)

O R D E R (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)

We have heard Shri Kewal Krishan Arora,  
applicant in person at some length.

2. We have also perused the documents on  
record. The main relief prayed for by the applicant  
who has retired from Govt. service w.e.f. 31-1-2001  
is that he should be promoted as Head Clerk w.e.f.  
1983, with subsequent promotions <sup>from</sup> ~~from~~ the time he  
served the respondents.

3. We note from the documents on record that  
the respondents have granted the applicant proforma

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promotion under the next below rule to the rank of UDC in the scale of Rs. 1200-2040/- w.e.f. 7-9-1978 i.e. the date of promotion of his junior next on panel in CPWD region. According to the applicant, he has been approaching personally the Departmental authorities for the subsequent promotions on which he has been assured but there is nothing in writing on record, which he also admits. We have tried to ask the applicant several times as to what action, if any, he had taken against what he alleges is the prolonged delay on the part of the respondents in ignoring him for promotion as Head Clerk and other promotions during his period of service with the Government till the end of January, 2001, He has not been able to satisfy us by any reasons, let alone sufficient reasons, to condone his own delay in filing this application after several years, which cannot, therefore, be condoned, taking into account the provisions of Section 21 (3) of the Administrative Tribunals Act, 1985. He has submitted that he had made representation to the respondents on 1-3-2000 followed by a notice through his counsel on 17-3-2001, to which on the same facts as brought out in this OA, he has not received any reply from the respondents.

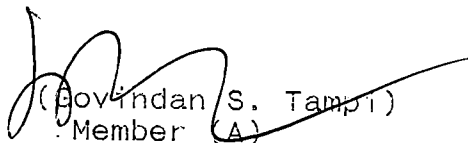
4. Taking into account the relevant facts and circumstances and the applicant's own admission that he has done nothing from 22-9-1993, when he had been given proforma promotion as UDC <sup>from 1978</sup> till few months before his retirement, when he had sent a representation, we are of the view that this application is highly belated and suffers from laches and delay. It is seen from the records that there is no Miscellaneous Application praying for condonation of delay or any

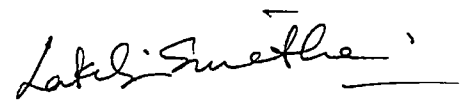
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(3)

sufficient reason ~~having~~ brought out even orally during the hearing by the applicant, to condone the delay of more than 8 years, when the applicant himself has not cared to even represent to the respondents. Therefore, the Judgements of the Hon'ble Supreme Court in in State of Karnataka and Ors. Vs. S.M.Kotrayya and Ors. (1996 SCC (L&S) 1488), S.R.Bhanrale Vs. Union of India and Ors. (1996 SCC (L&S) 1384), P.K.Ramchandran Vs. State of Kerala & Anr. (JT 1998 (7) SC 21) and State of Punjab Vs. Gurdev Singh (1991 (17) ATC 287) are fully applicable to the facts and circumstances of the present case.

5. In the above facts and circumstances of the case, as there is absolutely no good ground to condone the delay and there is also no MA for condonation of delay as required under Section 21 of the Administrative Tribunals Act, 1985, OA 2026/2001 fails and is accordingly dismissed on the ground of limitation. No order as to costs.

  
(Govindan S. Tampi)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Vice-Chairman (J)

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