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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3283/2001

Monday, this the 10th day of December, 2001

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Ajay Kumar, Sub-Inspector No.D-3128,
R/O RZJ 128, Roshanpura
Najafgarh, Delhi-43.

..Applicant

(By Advocate: Shri Sama Singh)

Versus

1. Hon'ble Lt. Governor of Delhi
Raj Niwas, Delhi-54.
2. Govt. of NCT of Delhi
through its Chief Secretary
Delhi Secretariat, I.P. Estate
New Delhi-2.
3. Commissioner of Police
Delhi Police Headquarters, MSO Building
I.P.Estate, New Delhi-2.
4. Deputy Commissioner of Police
North-West District
Ashok Vihar, Delhi

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:-

Heard the learned counsel for the applicant.

2. In an arranged encounter on 9.8.1994, a police team, of which the applicant was a member, succeeded in liquidating an inter-State gangster, Gopal Thakur. The police party had travelled in three vehicles. The applicant was in one of them along with SI Arun Kumar Sharma. Following the aforesaid encounter, the department has promoted four police officials, including the aforesaid SI Arun Kumar Sharma in accordance with the provisions of Rule 19 (ii) of the Delhi Police (Promotion & Confirmation) Rules, 1980. The applicant was left out. Aggrieved by the same, he filed a representation on

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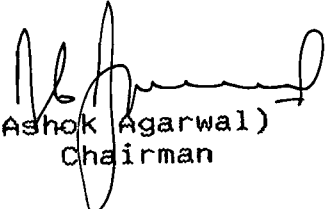
23.2.1995 which got rejected on 12.6.1995 (Annexure-B). Upon the matter being pursued by the applicant, another letter of rejection was issued on 26.2.1997 (Annexure-C). Thereafter, the applicant came up before this Tribunal in OA-1460/98 which was withdrawn. The applicant has, even thereafter, made representations in the matter. Another rejection letter has been issued on 19.6.2001 (Annexure C-1). This apparently is the last rejection letter. The applicant has again come up before us for an adjudication in the matter of his promotion on ad hoc basis under the same rule which was relied upon by the respondents in promoting the other police officials.

3. We have considered the submissions made by the learned counsel and find that the case is wholly time barred. Besides, his earlier OA having been withdrawn, the present OA is barred also by the principle analogous to res-judicata. His grievance clearly arose way back in November, 1994 when the other officials comprising the police party were promoted on ad hoc basis and the applicant was not so promoted. A series of rejection letters issued by the respondent-authority cannot, in our view, help revive limitation. Thus, the OA is wholly time barred.

4. In the circumstances, the OA is dismissed on the ground of limitation as well as on the ground of principle analogous to res-judicata constructively applied, in limine.


(S.A.T. Rizvi)
Member (A)

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(Ashok Agarwal)
Chairman