

Central Administrative Tribunal

(17)

Principal Bench: New Delhi

O.A. No. 626/1999

New Delhi this the 22nd Day of December, 2000

Hon'ble Shri S.R. Adige, Vice Chairman (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

K.L. Tyagi,  
O/S Grade-II (Retired) from  
M.F. School & Research Centre Meerut,  
Now R/o C/o Smt. Vineeta Tyagi Sub-Inspector of  
Police (Delhi Police) Type III/15 Police Station,  
Preet Vihar Complex, New Delhi.

Applicant

(By Advocate : None)

Versus

1. Union of India (Through Secretary  
Ministry of Defence), New Delhi.
2. The QMG, GMG's Branch AHQ, DHQ  
P.O. New Delhi.
3. The Commandant, Military Farm's School &  
Research Centre Meerut Cantt.
4. The Deputy Director General,  
Military Farm's QMG's Branch DHQ, DHQ PO,  
New Delhi. Respondents

(By Advocate: Shri D.S. Jagotra)

O R D E R (Oral)

Hon'ble Shri S.R. Adige, VC (A)

Applicant seeks a direction to respondents for considering his case for antedating of promotion in view of the DPC held on 7.5.1985 with all consequential benefits.

2. This case was listed for possible final hearing today but none has appeared for applicant. We note that on the previous date also none appeared for the applicant and even on many other earlier dates, none has appeared on behalf of the learned counsel for the applicant.

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3. Heard the learned counsel for the Respondents. Shri Jagotra has taken the preliminary objection that this OA is squarely hit by limitation under the relevant provisions of AT Act and is therefore fit to be dismissed. It is also contended that the OA is hit by res judicata.

4. MA-294/2000 has been filed by the applicant for condonation of delay in which it is being contended that representations and statutory appeals have been made to respondents, but no reply on the same was conveyed to him, as a result of which, he was compelled to file this OA. In this connection, reference has been made to certain correspondence dated 28.5.1996 and thereafter, but the period between 1985 when the DPC was held and 1996 has not been satisfactorily explained. In this connection Shri Jagotra informed us that applicant has filed another OA-335/99, seeking similar direction for antedating <sup>promotion</sup> w.e.f. 1.9.1992.

5. In view of the above, the preliminary objection taken by respondents that the OA is hit by limitation <sup>succeeds</sup> and we find no good grounds <sup>to inquire</sup> the OA is dismissed. *No cont.*

*A. Vedavalli*  
(Dr. A. Vedavalli)  
Member (J)

*S. R. Adige*  
(S. R. Adige)  
Vice Chairman (A)