

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2443/98

New Delhi: this the 12th day of August, 1999. (8)

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE MR.KULOIP SINGH, MEMBER(J)

Shri D.B.Jain,
Late Sh.S.C.Jain,
Director of Inspection Office of
Director General of Supplies &
Disposals,
Jeevantara Building,
Parliament Street, New Delhi

.... Applicant.

(By Advocate: Shri S.Rao)

Versus

Union of India through
Secretary,
Deptt. of Supply,
Nirman Bhawan,
New Delhi -001

....

2. Director General
(Supplies & Disposals)
Jeevan Tara Building,
Parliament Street,
New Delhi -0001

..... Respondents.

(By Advocate: Shri N.S.Mehta)

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' memorandum dated 26.5.97 (Annexure-C) issued by them pursuant to the Tribunal's order dated 18.2.97 in OA No.2040/96 filed earlier by him and seeks antedating of his promotion as Deputy Director (Inspection) from 9.5.69 to 6.10.97, the date on which Shri K.K.Das who, he claims, was junior to him, was so promoted, and he further claims consideration for promotion as Director (Inspection) in 1970/71 and not 1974 when he was actually promoted. Consequential benefits are also prayed for.

2. We have heard applicant's counsel 9
Shri Subba Rao and respondents' counsel Shri N.S.Mehta.

3. In the seniority list as on 30.9.73 (Annexure-I) Shri K.K.Das is shown at Sl.No.7 while applicant is shown at Sl.No.22. If applicant had a grievance in regard to his being placed at so many positions below Shri K.K.Das in the 1973 seniority list, he should have agitated the matter in the proper fora at that point of time. If as he contends, he made representations to which he received no reply it was open to him to have agitated his grievance in the appropriate judicial fora. Not having done so then, he cannot raise the matter now, nearly a quarter of a century after the cause of action originally arose. Hence applicant's claim for antedating of his seniority as Deputy Director (Inspection) from 1969 to 1967, and for considering his case for promotion as Director (Inspection) from 1970/71 instead of 1974 is squarely hit by limitation as well as laches and lack of jurisdiction under the relevant provisions of the A.T. Act and is therefore rejected.

4. One aspect of the matter however deserves attention. Respondents in their impugned Memo dated 26.5.97 have stated that they have given applicant the benefit of notional promotion as Deputy Director (Inspection) w.e.f. 9.5.69, but it is not denied that no orders in this regard have been issued by respondents as yet.

5. Shri Mehta stated that respondents are

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inhibited from doing so in view of the Delhi High Court's (O.S) order dated 4.10.83 in LPA No.67/83 staying the operation of the Delhi High Court's (S.B) order dated 7.1.83 in C.L.Nos.1457, 1973 and 1590 of 1981 directing respondents to reframe the seniority list of Gr.II in the Indian Inspection Service.

6. As it is only the direction to reframe the seniority list of Gr.II of I.I.S which has been stayed, there can be no legal objection to respondents issuing orders granting applicant notional seniority w.e.f.9.5.69 which respondents themselves concede he is entitled to, and furthermore extend such consequential benefits under rules and instructions as will flow from the order, more so, because applicant will be retiring on superannuation shortly. While issuing the aforesaid order, respondents should make it clear that it will be subject to the outcome of LPA No.67/83. We direct accordingly, and call upon respondents to implement these directions within 3 months from the date of receipt of a copy of this order.

7. The OA is disposed of in terms of paras 3 and 6 above. No costs.


(KULDEEP SINGH)
MEMBER(J)


(S. R. ADIGE)
VICE CHAIRMAN (A).

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