

Central Administrative Tribunal  
Principal Bench, New Delhi

New Delhi this the 31st day of July 1995.

OA No.1345/95

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr R.K.Ahooja, Member (A)

D.Purnayya  
K.G-I/67, Vikaspuri  
New Delhi.  
(By Advocate: Shri R.L.Sethi)

...Applicant

Versus

1. The Secretary  
Ministry of Information & Broadcasting  
Shastri Bhavan  
New Delhi-110 001.

2. The Director General  
A.I.R.  
Akashwani Bhawan  
New Delhi-110 001.

3. The Director General  
News Services Division  
A.I.R.Broadcasting House  
New Delhi-110 001.  
(By advocate: Shri

...Respondents.


O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)


The applicant retired from service on 30.4.94. On the date of his retirement, he was working as Translator Grade-II in the scale of Rs. 3000-4500 to which post he was promoted on 4.10.1980. His grievance is that he was not promoted to the post of Translator Grade-I though several of his juniors were promoted. His juniors were promoted in February 1993. But he <sup>did not</sup> ~~refused to~~ file a representation about his non-promotion and sought promotion only on 28.4.94 when he had only two days left for his retirement. In response to his representation, the respondents, by letter dated 4th July 1994, informed the applicant that his representation dated 28.4.94 on the subject of redressal of his grievance was considered and it was informed that his request could not be acceded to. Impugning this letter, the applicant has filed this application for a direction to the respondents to hold a review DPC in

accordance with the rules after following the procedure laid down in the Govt. of India's order dated 10.4.1989 to draw up a fresh panel including the name of the applicant and if the applicant is found fit, he be deemed to have been promoted from the date his juniors were promoted.

2. We have heard learned counsel for the applicant and have perused the application. The grievance of the applicant in regard to his supersession in the matter of promotion arose in February 1993. If the applicant was dissatisfied with his supersession in the matter of promotion, he should have filed an application impugning the action within a period of one year from the date of arising of his grievance. If he had made a representation <sup>or</sup> ~~of his~~ appeal, he could wait for a period of 6 months and if he <sup>did not</sup> ~~could not~~ <sup>for the grievance redress</sup> ~~could~~ <sup>filed the application</sup> within such period, he could then have filed an application within a period of one year. However, the applicant neither made a representation nor <sup>within the</sup> period prescribed in the A.T. Act. His representation itself was made only in April 1994 after the period of limitation is over. Learned counsel for the applicant states that the applicant did not either make a representation or file the application before this Tribunal within the period of limitation for the reason that there has been ~~some~~ bereavement in his family, but the fact remains that inspite of the bereavement, the applicant continued in service. Further if he wished, <sup>making</sup> there would not have any impediment either for a representation or for filing the application within the period prescribed for limitation. The letter communicating the decision of the respondents not acceding to his request made at a belated stage <sup>with</sup> ~~does not~~ <sup>exist</sup> ~~come under~~ <sup>period</sup> the scope of the limitation and the letter annexed as A-1 cannot be considered an impugned order so as to get <sup>over</sup> ~~the~~ <sup>by</sup> ~~period~~ of limitation. Under the circumstances, we are of the considered view that the application is highly belated and does not deserve to be admitted. The application is rejected under section 19(3) of the A.T. Act.

  
(R.K. Ahooja)  
Member (A)

aa.

  
(A.V. Haridasan)  
Vice Chairman (J)