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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1476/95

New Delhi, this 14th day of August, 1995

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

Shri B.R. Pantulu,
s/o Shri B. Madhav Rao
Director of Programmes
All India Radio
r/o Pragati Vihar Hostel
D-101, Lodhi Road
New Delhi.

... Applicant

(By Shri Sharatafyyar Khan, Advocate)

versus

Union of India, through

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


2. The Director General
All India Radio
Ministry of Information &
Broadcasting
Parliament Street
Directorate General
New Delhi.

... Respondents

ORDER(Oral)

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

The applicant, Shri B.R. Pantulu, is working as Director of Programmes in All India Radio, New Delhi. This application has been filed on 9.8.1995 against the impugned order dated 26.6.1995 rejecting the applicant's representation for restoration of the "Very good" grading given to him by the Reporting Officer in his Annual Confidential Reports for the years 1977 to 1980, deleting the down gradation of "Good" by the Reviewing Officer.



2

2. The applicant has alleged that in view of the fact that the Reviewing Officer has down graded the "VERY GOOD" report made by the Reporting Officer to GOOD, he happened to be superseded in the matter of promotion by the Departmental Promotion Committee which was held in the year 1989. Being aggrieved by the down gradation of his character role by the Reviewing Officer, according to him, the applicant made a representation on 30.3.1995. in response to which the impugned order dated 26.6.1995 has been issued by the respondents. The applicant has prayed for not only quashing the impugned order dated 26.6.1995 but also sought for restoration of the entries in the Annual Confidential Reports pertaining to the aforesaid period as 'very good'.

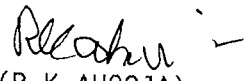
3. After hearing the learned counsel for the applicant, and after going through the allegations made in the application, we are of the considered view that the application is hopelessly barred by limitation. The learned counsel invited our attention to a Judgment of the Jabalpur Bench of this Tribunal in OA No.485/92, in which on consideration of the various principles in regard to writing and review of Confidential Reports it was held that the action of the Reviewing Officer in that case in downgrading the applicant therein, was not justified. The facts of that case has nothing in common with the facts of this case. In that case as the applicant was superceded in the matter of promotion for the reason that his ACR was down graded by the Reviewing Officer without any reason, he challenged the supercession immediately, and the Tribunal called for the ACR in respect of the applicant before it and being satisfied that the down gradation was wholly unjustified


3

- 3 -

granted relief to the applicant. In the case on hand, the applicant has not challenged the order of his supercession in the matter of promotion or the findings of the DPC. If the applicant was aggrieved by his supercession in the year 1989 he should have agitated that grievance then, and after such a long time he cannot now come up with this application. The claim if any is barred by limitations. Further, the relief which the applicant seeks now is setting aside the downgradation in the ACR pertaining to the years from 1977 to 1980. Thus, tribunal has no jurisdiction to entertain an application in respect of a grievance which arose more than two years prior to the constitution of the Administrative Tribunals Act, 1985. Therefore, as the grievance of the applicant arise prior to November, 1982, this Tribunal cannot entertain this application.

5. In the light of the facts submitted above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.


(R.K. AHOOJA)
MEMBER(A)


(A.V. HARIDASAN)
VICE-CHAIRMAN(J)

/RAO/