

OA No 2614/95

(10)

OA had been disposed of
by Hon'ble Chairman and
Hon'ble Mr. S.P. Biswas Member

(A) on 2/11/95

Recd
Ran
C.O/C.E

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No. 2414/96

(V)

Thursday this the 7th day of November, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

Suresh Chander
resident of House No. 708,
Type I, Multistoreyed, Timarpur Delhi.... Applicant
(By Advocate Mr. Parkash Khandelwal)

Vs.

1. Union of India through the
Secretary, Ministry of Defence,
Govt. of India, New Delhi.
2. The Director General of NCC
West Block No.4, R.K.P.ram, New Delhi.
3. The Director of NCC, Delhi,
Old Secretariat, Civil Lines, Delhi.
4. Officiating Administrative Officer,
Establishment Branch, Dte. of NCC
Old Secretariat, Delhi.54. Respondents

(By Advocate Mr. B. Lall)

The application having been heard on 7.11.1996
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), CHAIRMAN

Applicant seeks a declaration that he is
a Group 'D' employee entitled to remain in service
till he attains the age of 60, by striking down S.R.O.
245 dated 18.8.1988 governing his conditions of
service.

2. If applicant is to challenge the rules
of his service several years after it has been framed,
and after he has enjoyed the benefits thereunder, delay

contd....

stands in the way of seeking reliefs. The Rules of his service namely Annexures.R1 and R2 clearly indicate that the post of Packer held by him is a Group 'C' post. Annexure.R2 (SR) 245) at serial 11 reads:

"General Central Services Group 'C' Non-Gazetted Non-Ministerial, Non-Industrial. Rs.600-15- 1010-E8-20- 1150."

When the Rules of service clearly describe it as a Group 'C' post applicant cannot contend that the post in question is a Group 'D' post. Having subjected himself to the rules and availed of the benefits thereunder, applicant is estopped from raising a contention of this nature which is nothing but an exploratory venture.

3. The application is without the semblance of any merit and is dismissed. No costs.

Dated 7th November, 1996.


S.P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
CHAIRMAN

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