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CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA No.278/95

New Delhi this the 17th day of August, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Bahadur Chand,
Personal Assistant (Selection Grade)
Official Languages Wing,
Legislative Department,
Ministry of Law, Justice and
Company Affairs,
Indian Law Institute Building,
New Delhi.

2. Smt. Raj Bidhichandani,
Stenographer (Hindi-cum-English),
Official Languages Wing,
Legislative Department,
Ministry of Law, Justice and
Company Affairs,
Legislative Department,
Indian Law Institute Building,
New Delhi.

...Applicants

(By Advocate Sh. M.K. Dua)

Versus

1. Union of India, through
Secretary,
Legislative Department,
Ministry of Law, Justice
and Company Affairs,
'A' Wing, 4th Floor,
Shastri Bhavan,
New Delhi.

2. Shri Dhan Singh,
Senior Personal Assistant,
Official Languages Wing,
Legislative Department,
Ministry of Law, Justice and
Company Affairs,
Indian Law Institute Building,
Bhagwan Das Road,
New Delhi.

...Respondents

(By Senior Standing Counsel Sh. N.S. Mehta)

ORDER (Oral)

(Hon'ble Mr. N.V. Krishnan, Vice-Chairman (A))

The applicants are aggrieved by the
promotion granted to the second respondent as Senior
Personal Assistant after reserving that post for

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scheduled castes. The second respondent belong to a scheduled caste. The ground taken is that it is only one post and reservation could not have been made.

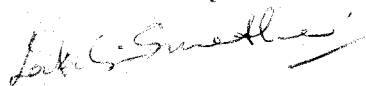
2. The second respondent was appointed by the order dated 1.10.92. Thereupon a representation was made and as that was not replied to, this OA has been filed on 31.1.95.

3. MA-350/95 has been filed for condonation of delay. It is stated that a representation was filed on 31.12.92. The applicants are only at serial Nos. 2 and 3 of the seniority list. The first person in the seniority list is J.C. Joshi, who retired only on 31.7.94 and it is only thereafter the applicants could aspire for the post. The applicant had also issued reminders but no reply has been received.

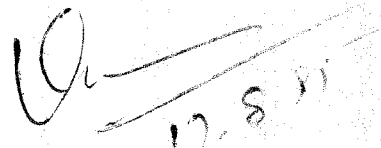
4. It is admitted that the post of Senior Personal Assistant is to be filled by selection. If it had not been reserved for the scheduled castes, which was the claim of the applicants, the applicants also would have been in the zone of consideration being at serial Nos. 2 & 3 of the seniority list. That precisely is the reason why the representation was filed. The arguments that they could aspire for the post only after the retirement of their senior Joshi on 31.7.94 is faulty, because the promotion is not to be made by seniority alone. It is by selection and J.C. Joshi the person at serial No.1 and both the applicants would have been considered.

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5. In the circumstances, we are of the view that the applicants having filed a representation on 23.12.92, this OA should have been filed on or before 23.6.94. The OA has been filed much later on 1.1.95. The MA does not give any reason for the further delay excepting to state that it has been caused inadvertently, as the applicants have been waiting for the reply. That is not a satisfactory reason to condone the delay. Accordingly, we find that the OA is barred by limitation. The MA for condonation of delay does not give sufficient reasons. Accordingly, the MA is dismissed. Consequently, the OA is also dismissed. No costs.



(Smt. Lakshmi Swaminathan)
Member(J)



(N.V. Krishnan)
Vice-Chairman(A)

'Sanju'