

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
OA 1226/1996

10
New Delhi this the 3rd day of February, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri M.P.Singh, Member (A)

Shri Muni Ram
S/O Sh.Mawasi,
R/O Vill.Babdola,
P.O.Palam, New Delhi-45

.. Applicant

(None for the applicant)

versus

1. Union of India
through Secy. Ministry of
Defence, South Block,
New Delhi
2. Engineer-in-Chief,
Kashmir House, New Delhi.
3. Sh.Tulsi Ram, ME Driver,
CWE/GE(North),
Palam, New Delhi.
4. Commander Works Engineer(Delhi)
Delhi Cantt-10.

.. Respondents

(None for the respondents)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The applicant has filed this OA claiming promotion from the date his junior Shri Tulsi Ram had been promoted with all arrears of pay and allowances and pensionary amounts.

2. None has appeared for the applicant even on the second call. we note that none had appeared for the applicant even on the i.e. last date/5.1.2000. None for the respondents either. This case was listed at Serial No. 8 in today's "Regular matters" we have seen the pleadings.

3. One of the grounds taken by the applicant in the OA is that the promotion to the post of ME Driver is on seniority basis and he being senior to Respondent 3 ought to have been given promotion which has been denied to him inspite of qualifying in the test. He has also alleged that the respondents have ignored the rules for promotion while granting the promotion to R-3. He has submitted that he had made a number of representations and

according to him the authorities have also agreed that junior to him has been promoted, ^{18/} but nothing has been done inspite of his repeated representations. Hence he has filed this OA on 3.6.1996.

4. The respondents in their reply have taken a preliminary objection that the relief claimed by the applicant is barred by time as the same is 23 years old and the relevant records of that time are not traceable as most of the documents are destroyed after a gap of 5, 10 and 20 years respectively. They have also submitted that the order against which the application is made by the applicant has already been implemented before filing of the OA on 6.4.1996. They have also submitted that Respondent 3, Shri Tulsi Ram, was appointed as Oil Engine Driver and not promoted on regular basis, as alleged by the applicant. There is a difference between appointment and promotion. He was again promoted as Mechanical Equipment Driver (MED) on 8.11.76 under ^{a/c} the different CWE Area, against the existing vacancy of that Area and not against the existing vacancy of CWE Delhi Area, under whom the applicant was serving. The respondents have also submitted in their reply that seniority of Sh. Tulsi Ram was maintained by CWE (Air Force), Palam and the seniority of ^{respectively} the applicant was being maintained by CWE Delhi/for all purposes. They have, therefore, submitted that there was no connection between the promotions of applicant and Respondent No. 3 since the promotions were regulated on Area basis. In the circumstances the respondents have prayed that the application may be dismissed on the ground of limitation and merits as the applicant has filed the OA after 20 years.

5. The applicant in his rejoinder has reiterated his averments in the OA. He has clearly stated in the rejoinder that he has been representing ^{to} _{for} the respondents ^{for 18/} number of years but he had not got any information from them about the rejection and composition of the review DPC.

6. After careful perusal of the pleadings in the case, we are unable to agree with the contentions of the applicant that he ought to have been considered when his junior, Sh. Tulsi Ram was

12

promoted. As seen from the reply filed by the respondents their seniority had been maintained at the relevant time ^{on 12} by a separate Area/Division. Apart from this we note that Shri Tulsi Ram with whom the applicant claims promotion, has been promoted to Mechanical Equipment Driver as far back as 8.11.1976 under ^{the} different CWE Area against the existing vacancy in that Area. This application is, therefore, liable to be dismissed on account of merit as well as inordinate delay, being barred by limitation.

7. In the result for the reasons given above, OA fails and is dismissed. No order as to costs.


(M.P. Singh)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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