

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2159 of 1996

New Delhi, this 24th day of March, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

Dr O.N. Krishna
S/o Lt. Dr. G.D. Chawla
R/o No.18 Park Street
New Delhi-110001

... Applicant

(By Shri Ramji Srinivasan, Advocate - not present)

versus

1. The Ministry of Health and Family Welfare
Through its Secretary
Nirman Bhawan
New Delhi.
 2. The Union Public Service Commission
Through its Secretary
Dholpur House
Shahjahan Road, New Delhi-110011.
 3. Dr. V.L. Kochar
Consultant
Head of the Department of Orthopaedics
Dr R.M.L. Hospital
New Delhi.
- .. Respondents

(By Advocate - none)

ORDER(oral)

By Reddy, J.

None appears for the parties either in person or through counsel. Since the matter is of 1996, we dispose of the case on the same ^{basis} of merits.

2. The applicant seeks to fix his seniority correctly in the place above his junior Dr. V.L. Kochar, respondent no.3 herein, in the post of Specialist Grade-I. He further seeks to quash the eligibility list of SAG level officers of the CHG as on 1.4.1995 in the OM dated 22.4.1996.

27

3. The grievance of the applicant is that he was wrongly shown as junior to respondent no.3 in the seniority list of Special Grade-I as on 1.1.1984. His junior Dr. V.L. Kochar was promoted on 1.4.1989 whereas the applicant was promoted in 1990. It is the grievance of the applicant that the earlier promotion of Dr. V.L. Kochar was based on the incorrect seniority list issued in 1984. The respondent no.1 in its letter dated 22.4.1996 circulated the office memo enclosing what purported to be the joint seniority list of SAG of CHS officers as on 1.4.1995 wherein the applicant was shown at sl.no.18 below Dr. V.L. Kochar at sl.no.11. These proceedings are impugned in this OA. The ground taken by the applicant is that he was wrongly shown as junior to Dr. V.L. Kochar in 1983. The promotion to the applicant in the higher post was accelerated in preference to his promotion.

4. The respondents have taken plea that the OA is barred by limitation.

5. We agree with the objection raised by the respondents. The OA cannot be entertained because it is hopelessly barred by limitation. The applicant was aggrieved by the seniority list of 1.1.1984 wherein he was alleged to have been wrongly shown as junior to Dr. V.L. Kochar in



the seniority list circulated in 1984. It is also the case of the applicant that he made representation aggrieved by the wrong fixation of seniority in 1984. Thus it is evident that the applicant was aggrieved by the wrong fixation of seniority in 1983 in the post of Specialist Grade-I. Thus adverse order against the applicant was passed in 1983. The applicant ought to have agitated against the said seniority list in 1983 itself or in 1984 when the seniority list was circulated. In view of the seniority list finalised in 1984 the same seniority list has been current all through till the date when they have considered for the promotion to the post of SAG and now the seniormost post of Additional Director General. Thus the limitation in this OA started in 1983 and the OA filed in 1986 is hopelessly barred by limitation. The OA also suffers from serious laches.

6. It is well settled that courts and tribunals should be slow in disturbing the settled positions of seniority after a long period, as held in Government of Andhra Pradesh Vs M.A.Kareem & Ors [1991 (17) ATC 303]. It is also settled proposition of law that parties should pursue their rights and remedies promptly and not sleep over their rights. If they choose to sleep over their rights and remedies for an inordinately long time, the court may well choose

000

28

29

to decline to interfere as held in Ex.Capt.
Harish Uppal Vs Union of India & Ors [JT
1994(3)SC 1261.

7. In the circumstances, the OA fails and is
accordingly dismissed. No costs.

Shanta Shastri
(Mrs. Shanta Shastri)
Member(A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice Chairman(J)

is dbc