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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

New Delhi, dated this the 22nd July, 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. P.C. KANNAN, MEMBER (J)

O.A. No. 877 of 1993

1. P&T SC/ST Employees Welfare
Association,
1240-A, Gali No.5, Bagarangbali Mohalla,
Maujpur, Delhi-110053. through
its Secretary General,
Shri Braham Pal,
S/o Shri Raghbir Singh,
Asst. Post Master, G.P.O., New Delhi.

2. Shri Ganeshi Lal,
S/o Shri Mewa Ram,
Dy. General Manager,
Ministry of Communication,
Dept. of Telecommunication,
Sanchar Bhawan,
New Delhi. ... Applicants

(By Advocate: Shri Anil Kumar Gupta)

Versus

1. Union of India through
Chairman, Telecom Commission,
cum-Secretary,
Dept. of Telecommunication,
Ministry of Telecommunication,
Sanchar Bhawan,
New Delhi.

2. The Member (Services)-cum-
Director General,
Dept. of Telecommunication,
Ministry of Communication,
Sanchar Bhawan, New Delhi.

3. The Secretary,
Dept. of Personnel & Training,
Ministry of Personnel, Public Grievances
and Pensions
North Block,
New Delhi-110001. ... Respondents

(By Advocate: Shri S.M. Arif)

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O.A. No. 957 of 1996

Shri R.C. Arya,
S/o Shri M.P. Arya,
R/o Flat No. C-117,
South Moti Bagh,
New Delhi. ... Applicant

(By Advocate: Shri Anil Kumar Gupta)

Versus

1. Union of India through
the Secretary,
Dept. of Telecommunication,
Sanchar Bhawan,
New Delhi.

2. Shri Ramesh L.,
General Manager, Satellite Project,
No.33, Ethiraj Road,
Chennai-600105.

3. Shri Angus Mukhopadhyay,
General Manager, T. Project,
Behind C.T.O., Building, G.P.O. Complex,
Patna-800001.
Bihar. ... Respondents

(By Advocate: Shri S.M. Arif)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

As these O.As involve common question of law and fact they are being disposed of by this common order.

2. In both O.As applicants pray for confirmation from the date of their initial appointment in Junior Time Scale of ITS (Group A) against the backlog of the Direct Recruit reserved quota.

3. Applicants' counsel Shri Gupta has very fairly admitted that as per Recruitment Rules for ITS (Group A), the Direct Recruits in JTS of ITS (Group A) are required to put in two years of probation after initial recruitment before they can be confirmed. These Rules have been framed

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under Article 309 of the Constitution of India not withstanding any backlog of Direct Recruits in reserved quota, manifestly the prayer for confirming the applicants w.e.f. the date(s) of their initial appointment without considering the probationery period they have to put in, cannot be allowed.

4. Applicants have also prayed for seniority consequent to their confirmation w.e.f. the date(s) of their initial appointment, but for the reasons discussed above this prayer also cannot be acceded to, nor indeed the prayer for consequential promotions.

5. A prayer has been made in O.A. No. 1957/96 to grant applicant in that O.A. ad hoc promotion to JAG applying reservation in terms of Government of India instructions dated 30.4.83. This relief prayed for is not consequential to the main relief sought for and discussed above, and under the circumstances the same is squarely hit by Rule 10 CAT (Procedure) Rules which requires that the reliefs sought for should be consequential to one another.

6. During the course of hearing Respondents' counsel Shri Arif has invited our attention to the CAT Chandigarh Bench order dated 23.8.95 in O.A. No. 172/PB/1993 Har Kishan Lal Vs. UOI and other connected case in which similar reliefs going back to 1971 and 1975 had been sought by these applicants. Shri Arif has stated that by the Tribunal's aforesaid order dated 23.8.95 both O.As were summarily dismissed as being hopelessly time barred, in view of the provisions of the Section 21 (2) A.T. Act, 1985, and the two O.As before us are likewise fit to be dismissed on the same ground without examining the claims of the applicants on merits.

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7. Shri Gupta has stated that the proceedings of the Review Committee dated 21.2.95 and 9.10.93 (both of which have been annexed with the pleadings) were not before the CAT, Chandigarh Bench and hence the present O.As are not hit by limitation.

8. In this connection Shri Gupta has also stated that the Tribunal has the jurisdiction to mould the relief prayed for and prays for permission to amend the O.As to rectify the infirmities pointed out in the preceding paragrphs.

9. These two O.As have been filed in 1993 and 1996 respectively. We are clearly of the view that after the lapse of so many years and more particularly after pleadings have been completed and the matter has come up for final hearing, we would not be justified in permiting applicants to amend the O.A. at this late stage.

10. For the reasons discussed above these two O.As are dismissed, without prejudice to applicants to pursue their remedies in accordance with law, if so advised. No costs.

11. Let a copy of this order be placed in each case record.

(P.C. KANNAN)
MEMBER (J)

(S.R. ADIGE)
Vice Chairman (A)

/GK/

Attested copy

Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi