CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.961/97
with
O.A.No.967/97
O.A.No.964/97
O.A.No.963/97
O.A.No.966/97
O.A.No.965/97

(9)

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

New Delhi, this the 18th day of July, 2000

O.A.No.961/97:

Shri R.K.Pruthi
14/1, Kalkaji
New Delhi. .. Petitioner

O.A.No.967/97:

Shri H.K.Joshi
S-50/44, DLF Qutab Enclave
Phase III, Gurgaon
(Haryana).. ... Petitioner

O.A.No.964/97:

Smt. Renuka
F-183, Vikas Puri
New Delhi - 110 018. ... Petitioner

O.A.No.963/97:

Shri Brij Mohan
H-II/127, Bengali Colony
Mahavir Enclave
Palam Village
New Delhi - 45.. ... Petitioner

O.A.No.966/97:

Shri Arun Kumar
K-376, Kangra Niketan
Vikaspuri
New Delhi - 110 018. ... Petitioner

O.A.No.965/97:

Smt. Indu Arora
E-87, B.K.Dutt Colony
New Delhi. ... Petitioner

(None)

Vs.

1. Director General of
Sports Authority of India,
J.N. Stadium, Lodhi Road,
New Delhi.

2. Sh. R.R. Bharti, Asstt. Director,
SAI Barrack No.15/37,
National Stadium,
New Delhi.

3. Smt. Geeta Sareen, UDC, RD(NSCC),
SAI, I.G. Stadium,
New Delhi-110 002.

4. Smt. Praveen Malik, UDC, SPES, SAI,
J.N. Stadium, Lodhi Road,
New Delhi.

5. Sh. Paramjit, UDC, SAI,
J. N. Stadium, Lodhi Road,
New Delhi.

6. Shri Prem Singh, UDC, SAI,
Central Stores, J.N. Stadium,
Lodhi Road, New Delhi.

7. Shri Ashok Kumar Verma, UDC, SAI,
SA, J.N. Stadium, Lodhi Road,
New Delhi-110003.

8. Smt. Madhu Chabbra, UDC, SPES, SAI,
J.N. Stadium, Lodhi Road,
New Delhi-3. ...Respondents
in all the above OAs.

(By Shri M.K.Gupta, Advocate)

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O R D E R (Oral)

By Justice V.Rajagopala Reddy:

As all the six above OAs involve the same facts and questions of law, they are disposed of by this common order.

2. For the purpose of convenience, the facts in OA No.961/97 are stated herein:

2.1. The applicant was appointed as Lower Division Clerk of the Special Organising Committee on 23.9.1982, to conduct the IXth Asian Games smoothly, which was held at New Delhi, on a consolidated salary of Rs.600 per month. When the Sports Authority of India (for short SAI) came into existence, he was appointed in the same post w.e.f. 1.4.1984. The

grievance of the applicant is that the respondents were applying the pick and choose policy in promoting the LDCs to UDCs as is evident from the fact that the juniors to the applicants, Respondents No.3 to 8, have been promoted earlier to the applicant in the year 1992. Respondent No.2 has been appointed as caretaker on 13.10.1984 by-passing the applicant. The OA is therefore filed seeking to give promotion to the applicant following the same policy of promotion as was followed in respect of the respondents who were juniors to him.

3. In the reply a preliminary objection has been raised as regards the limitation. On merits it is admitted that as the committee was wound up on 13.3.1984, with grace of SAI all the employees working on ad hoc basis were appointed in 1984. The applicant was appointed on 1.4.1984 and he was at Sl. No.13. Two posts of Care Taker were available for appointment and as the Respondent No.2 was one of the candidates, he was appointed by the Selection Committee after interviewing five candidates. The applicant did not question the appointment of Respondent No.2 as a Care Taker. The draft seniority list of LDCs and others was circulated on 25.2.1991 which has been revised and the revised draft list was finalised on 22.11.1991. It is submitted that the names of Respondents No.3 to 8 are shown at Sl. No.3, 4, 5, 6, 20 and 21 whereas the name of the applicant in this OA was shown at Sl. No.17. Thus the applicants were junior to the respondent No.3, 4, 7 and 8 though senior to Respondent 5 and 6. It was further averred that Respondent No.5 and 6 belong to the reserved category,

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namely, the Scheduled Castes and were, therefore,, promoted as UDC against reserved vacancies and thus became senior to the applicant. The order of 3.10.1991 was also filed at Annexure R-IV along with the counter.

4. None appears for the applicants, in these cases, either in person or through counsel. Heard the learned counsel for the respondents. Since all these matters pertain to the year 1997, we are disposing the same on merits after consideration of the available pleadings. We have carefully considered the grounds raised by the applicants in the OAs and the contentions raised by the learned counsel for the respondents.

5. Since the preliminary objection of limitation was raised, it has to be disposed of at the threshold. The learned counsel for the respondents submits that Respondent No.2 has been promoted as Care Taker on 16.10.1984. By that time, the applicant was in service but he has not questioned the order of promotion of Respondent No.2. It was also contended that Seniority List of LDCs and others were circulated in 1991 and by that date, the respondents No.3 to 8 have been promoted as UDC. If the applicant found that Respondent No.3 to 8, have been promoted earlier to him, he should have filed the OA within the period of limitation from the date of the seniority list was circulated in 1991. Thus it is argued that the OA is barred by limitation. In the OA it was not explained how the OA is within the period of limitation in Paragraph-3. In the body of the application, in

Paragraph-21 it was stated that the applicant had previously filed an application before the Tribunal but the same was allowed to be withdrawn with liberty to the applicant to file afresh. No material in support of this allegation has been filed. We have perused the other OAs. Wherein also similar averments have been made in the same para. In those OAs also no material was placed either the number of the OA or the orders allowing the applicant to withdraw the OA with liberty. In the absence of any such material it is not possible for us to accept the averments made in Paragraph 21. No other reasons were given to explain the delay in filing the OA. It has also seen that no MA has been filed to condone the delay either.

6. In fact, the limitation starts from the date when R-3 to R-8 have been promoted. In view of these circumstances, the applicant cannot be said to have explained limitation properly. However, the OA is not within the period of limitation as stipulated under 21 of the Administrative Tribunals Act, 1985.

7. In the circumstances, the OA has to be dismissed on the ground of limitation itself.

8. The OA is also devoid of merit. We have seen the order dated 16.10.1984 whereby Respondent No.2 has been promoted as Care Taker. It is clear from this order that Board consisting of the Chairman and Member of SAI, Member of AS(Stadiam) and another Member of AS (Administration), considered the selection for two posts of Care Taker. It was stated that there were five applicants for the said posts and

all five persons were asked to attend the Interview. After the interview of the five persons, three persons have been selected. The Sl. No.1 and 2 have been appointed as Care Taker and the third person has been kept as reserved in the panel. Sl. No.2, in the said panel, is the Respondent No.2 in this case. It is therefore, clear that only 5 persons had applied for the said post and Respondent No.2 being one of the persons has been selected. We do not find any warrant to interfere with the said order.

9. As regards the promotion to the post of UDC, the learned counsel for the respondents brought to our notice the seniority list which has been filed as Annexure R-3 to the counter. The said list has been prepared in November, 1991 and admittedly it has been circulated. The Respondents No.3, 4, 7 and 8 are shown at Sl. No.3 to 6 as seniors to the applicant who was shown at Sl. No.17. The respondents No.5 and 6 who are appeared at Sl. No.20 and 21 of the said seniority list and are admittedly juniors to the applicant. The order of promotion, dated 12.9.1991, of Respondents No.3 to 8 is found at Annexure R-IV to the reply filed in OA No.963/97. From the said order, it is seen that Respondent No.5 and 6 are promoted in SC reserved category. Hence they were promoted earlier to the applicants. Since the applcants were junior to other respondents he cannot have any grievance over their promotion.

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10. In the circumstances, we do not find any substance to interfere with the orders of promotion of respondents or to grant any relief to the applicants in this OA both on the ground of limitation as well as on merits.

11. All the above OAs (OA Nos.961, 963 to 967 of 1997) are accordingly dismissed. In the circumstances, there shall be no order as to costs.

(SMT. SHANTA SHASTRY)
MEMBER(A)

(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/

Certified Judgement placed in OA 961/97

Attested

Asst. Registrar

C.O.Cell