

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.299 of 1994

MAs 442, 443 of 1994

Date of Decision: 14th February, 1994

Hon'ble Shri J. P. Sharma, Member (J)
Hon'ble Shri B. K. Singh, Member (A)

VERSUS

Union of India
Through Superintending Engineer
Delhi Central Circle 1
Central Public Works Department
I.P. Bhawan, I.P. Estate
NEW DELHI ... Respondent
By Advocate None

O R D E R (Oral)

Shri J. P. Sharma, Member (J.)

The applicant has been working substantively in the post of Sanitary Inspector with the respondents and thereafter retired on superannuation on 31.7.1993.

The grievance of the applicant is that he also discharged the functions of the post of Care Taker vide order dated 16.11.1988 which is in the pay scale of Rs.1350-2200 and further w.e.f.28.6.1989, he also discharged the functions of Senior Sanitary Inspector in the pay scale of Rs.1400-2300.

2. The reliefs claimed by the applicant is that a direction be issued to the respondents to give promotion to the applicant as Care Taker w.e.f. 16.11.1988 and further a direction be issued to give him promotion to the post of Senior Sanitary Inspector in the pay scale

of Rs.1400-2300 w.e.f. 28.6.1989.

3. We have heard the learned counsel for the applicant at the admission stage itself and the MA.443/94 is for condonation of delay.

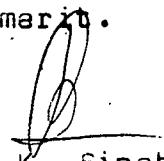
4. In the matter for consideration of promotion to the applicant the only contention of the learned counsel is that he was made to officiate on the higher post, but ~~not~~ such order has been filed on record. The post of Senior Sanitary Inspector has fallen vacant due to premature retirement of Shri Kuldip Singh and the applicant was also asked to look after that post. In the MA, the applicant himself stated that he had made representations before his superannuation in October, 1990, December, 1991, November, 1992 and February, 1993. There is no other ground mentioned in the MA to make out a ground that the applicant was prevented by substantial and reasonable cause in approaching for a judicial review of his case. The MA is only restricted to mention of certain factual position of making representations one after another. That by itself, does not make out a reasonable cause for condonation of delay. The MA.443/94, therefore, does not show any reasonable ground and has no force.

5. The learned counsel for the applicant also argued that his case was also recommended by the Assistant Engineer vide letter 4.6.1993. We have gone through

Contd...3

the said letter. But this letter also does not show that the applicant, at any point of time, was promoted either on officiating basis or on ad-hoc basis for the post of Care Taker and Senior Sanitary Inspector. This letter of course, goes to show that the applicant in addition to his own duties as Sanitary Inspector, has also supervised the work of the post of Care Taker as well as of Senior Sanitary Inspector. This does not make out a case for his promotion to the post of Care-Taker or Senior Sanitary Inspector. At the most, the applicant could have claimed the allowances for the post which he was so holding, either as a stop-gap arrangement or as a supervisory in-charge. The allowances could have been claimed by the applicant at the time when he was holding that post. Now, when the applicant has already superannuated in July, 1993, by lapse of time and also because he did not sought judicial review in time, If any right was available to him, that stands lost.

6. The application, therefore, is dismissed in the admission stage itself as barred by time and devoid of merit.


(B. K. Singh)
Member (A)

dbc


(J. P. Sharma)
Member (J)