

Central Administrative Tribunal  
Principal Bench

O.A. 794/94

New Delhi this the 6th day of August, 1999

(b)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri S.P. Biswas, Member(A).

T. P. Raghavan,  
S/o late Shri P.K. Nair,  
R/o N-238, Sector VIII,  
R.K. Puram,  
New Delhi-110 022. .... Applicant.

By Advocate Shri K.N.R. Pillai.

Versus

1. Union of India through  
the Secretary,  
Department of Supply,  
Nirman Bhawan, New Delhi.
2. Shri Vikram Aditya,  
Dy. Director (CDN),  
Directorate General of Supplies &  
Disposals,  
Jeevan Tara Building,  
Sansad Marg, New Delhi. .... Respondents.

By Advocate Shri N.S. Mehta, Sr. Standing Counsel.

O R D E R (Oral)

Hon'ble Shri S.P. Biswas, Member(A).

The applicant has retired as Assistant Director under the Directorate General of Supplies and Disposals. He is aggrieved by the failure of the first respondent to accede to his appeal dated 20.4.1993 as at Annexure A-1. In that appeal, the applicant had prayed that the decision of the Principal Bench of this Tribunal in O.A. 696/87 decided on 19.4.1998 (K.V. Ramaraju & Ors. Vs. Union of India & Ors.) should be offered to him. This was because the second respondent who was junior to him was considered for promotion as Deputy Director by a review DPC.

2P

(A)

2. The applicant is before us seeking relief in terms of issuance of directions to first respondent to strictly comply with the directions in the judgement dated 19.4.1988 in O.A. 696/87 by holding a review DPC to consider the applicant and other eligible seniors for promotion as Dy. Director.

3. The ground on which the applicant would seek the claims, as aforesaid, is that the second respondent Shri Vikram Aditya, Deputy Director (Coordination), junior to him, was promoted as Deputy Director on 6.4.1984 and hence the respondents should review <sup>all</sup> <sub>A</sub> the promotions to the grade of Deputy Directors in the light of the revised seniority list and consider the eligible officers for promotion from the date it was due to them.

4. The respondents in their counter have submitted that Vikram Aditya who is junior to him in the seniority list has been promoted on regular basis is factually incorrect. The applicant himself being a Group 'A' officer is aware that appointed to any gazetted Group 'A' post is required to be notified in the Gazette of India. In fact, the second respondent was not promoted to the post of Deputy Director in the Indian Supply Service but promoted only on an ad hoc basis in the capacity of OSD. As per the respondents, the applicant was misinformed about the regular status of the second respondent. Thus, the main plank of applicant's attack that his claim should be considered because his junior has been promoted is not established.

5. That apart, we find that the applicant has approached us on 18.4.1994 with the plea that the decision of this Tribunal in April, 1988 is to be implemented in his

(S)

favour. We also find that the applicant herein was himself a party in O.A. 696/87 as well as O.A. 642/87, decided on 8.11.1991. We also find that the petitioner ~~at herein~~ along with others had filed a CCP 186/92 in O.A. 642/89 before this Tribunal claiming reliefs on the basis of the reliefs given to Shri Vikram Aditya in O.A. 642/89 since all the applicants were senior to Shri Aditya in the revised seniority list. The said CCP was dismissed by the Tribunal observing that the direction to the respondents was to create a supernumerary post of OSD in the scale of pay of Deputy Director to accommodate Respondent 2 herein. There was no direction to promote to Respondent 2 <sup>in</sup> ~~against any~~ the cadre/regular post of the Deputy Director. Further, there is also no direction in the judgement to upset or to revise the seniority list prepared in accordance with the judgement of the Calcutta Bench of the Tribunal in TA 808/86.

6. We find that the applicant is now seeking the relief out of a case in which he himself was a party and appears after the lapse of almost about six years. The law is well settled that it does not lend a helping hand to those who sleep over their rights.

7. In the light of the aforesaid discussions, the O.A. fails and is dismissed without any order as to costs.

  
(S.P. Biswas)  
Member(A)

'SRD'

  
(Smt. Lakshmi Swaminathan)  
Member(J)