

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1235/2000

New Delhi, this the 29th day of January, 2002

Hon'ble Mrs. Lakshmi Swaminathan, V.C. (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

P.V. Kulkarni,
Scientist 'B'
S/o Late Venkat Rao Kulkarni
R/o IV/12 CRRI Colony,
Maharani Bagh, New Delhi

... Applicant

(By Advocate : Mrs. Prashaanti Prasad)

Versus

1. Council of Scientific and Industrial
Research,
Anusandhan Bhavan,
Rafi Marg, New Delhi-110001

represented through its
Director General

2. Centraal Road Research Institute
Delhi - Mathura Road,
P.O. CRRI, New Delhi-110020

represented through its
Director

... Respondents

(By Advocate : Sri V.K. Rao with Ms. Anuradha
Priyadarshini)

O R D E R (ORAL)

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J) :

In this application, the applicant's prayer is that the period of service rendered by him in the Bombay Project of the respondents between 15.2.1979 and 4.8.1980 should be ordered to be counted for the purpose of assessment for promotion from the post of Scientist 'A' to a higher post i.e. from Senior Scientific Assistant (SSA) to Scientist 'B' with all consequential benefits.

2. The brief relevant facts of the case are that the applicant was initially appointed on 4.8.1970 as

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Junior Scientific Assistant (JSA). He was assessed for promotion after 5 years and w.e.f. 4.8.1975 he was promoted as SSA. While working as SSA with the respondents, Central Road Research Institute (CRRI), he was recruited for the Bombay Project as Scientist 'A' w.e.f. 15.2.1979. He returned to CRRI on 31.3.1984 in the post of SSA. The applicant states that he had made several representations dated 12.9.1984, 17.4.1985, 16.5.1985, 2.1.1990 and 9.3.1995 praying for counting of the service rendered by him as Scientist 'A' from 15.2.1979 to 4.10.1980 in the Bombay Project. The respondents have stated in their reply, that the period in question of the service rendered by the applicant in the Bombay Project has indeed been taken into account for purpose of assessment for promotion to the post of Scientist 'A' as the applicant was substantively holding the post of SSA in CRRI at the relevant time. They have also submitted that on 4.8.1980 he has been promoted as Scientist 'A' i.e. after five years from 4.8.1975 when he was promoted as SSA. 17

3. Shri V.K. Rao, learned counsel, has taken two preliminary objections to the OA, namely, (1) limitation and (2) jurisdiction. Having regard to the provisions of Section 21 of the Administrative Tribunals Act, both these preliminary objections are held. The period of service in question, as claimed by the applicant, in the present OA relates to a period from 1979 to 1980, which is beyond the period of three years from the institution of the Tribunal. From the facts mentioned above, it is also noted that the applicant has himself stated that he

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had made repeated representations which will not save him from the bar of limitation. Therefore, on these two grounds the OA is liable to be dismissed. 18

4. In view of what has been stated above, the OA is clearly barred both on the grounds of limitation and jurisdiction, ~~and~~ Having regard to the provisions of Section 21 of the AT Act, the same is dismissed. No order as to costs.

S.A.T. Rizvi

(S.A.T. RIZVI)
MEMBER(A)

/pkr/

Lakshmi Swaminathan

(MRS. LAKSHMI SWAMINATHAN)
VICE CHAIRMAN (J)