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Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 2260/2000

New Delhi this the 26th day of November, 2001

Hon'ble Mr. V.K. Majotra, Member (A)
Hon'ble Mr. Kuldip Singh, Member (J)

Shri William G.D'Cruz
S/o Shri Gabriel S.D'Cruz
R/o Qr. No.12/P, CPWD Quarters
Vasant Vihar
New Delhi-110057

-Applicant

(None Present)

Versus

1. Union of India
Intelligence Bureau
(Ministry of Home Affairs)
Government of India
North Block, Central Secretariat
New Delhi-110001.
2. The Director
Intelligence Bureau
(Ministry of Home Affairs)
Government of India
Gate No.7, North Block, Central Secretariat
New Delhi-110001.

-Respondents

(By Advocate: Shri P.P. Relhan, proxy for
Shri J.B. Mudgil)

ORDER (Oral)

By Shri Kuldip Singh, Member (J)

The applicant has filed this OA against the order dated 29.3.2000 issued by the respondents wherein the request of the applicant asking for notional promotion w.e.f. 23.9.67 was denied.

2. The facts in this OA are that the applicant was initially appointed with the office of respondents as LDC on 9.9.1965 in the pay scale of Rs.110-180 at the office of Central Intelligence Office, Ahmedabad Gujarat under SIB, Bombay. Two other employees, namely, Shri



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K.P. Nair and Shri K.N.P. Nair were also appointed as LDC in the pay scale of Rs.110-180 w.e.f. 10.3.1966 and 25.1.1969 respectively from Jaipur and Bhopal. They are also shown junior in the seniority list of PS annexed at Annexure-2.

3. The applicant also alleged that the respondents have promoted Shri K.P. Nair w.e.f. 23.9.1967 and Shri K.N.P. Nair w.e.f. 14.8.1969 as Junior Stenographer in the pay scale of Rs.130-300 plus Rs.25 as special pay. whereas, the applicant remained as Steno Typist in the lower pay scale of Rs.110-180 plus Rs.20 as special pay w.e.f. 23.8.1967, his right to be considered for promotion as Junior Stenographer was ignored. He made first representation on 29.11.1980 and last on 14.1.2000. He has submitted that rejection of representations is illegal and arbitrary and he was entitled to be promoted along with his juniors.

4. Respondents who were contesting the OA submitted that the case of the applicant is grossly time barred, since the applicant ^{is} claiming notional promotion w.e.f. 23.9.67 when his juniors Shri K.P. Nair and Shri K.N.P. Nair were given the same. The representations of the applicant had been rejected earlier ^{However} vide impugned order dated 29.3.2000 (Annexure A-1). ~~In the said order~~ ^{the} the department has only reiterated their earlier stand and informed the applicant in this regard that he may also refer to the earlier office note dated 24.7.96.

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5. We have heard Shri P.P. Relhan, learned counsel for respondents. Since no one has appeared for the applicant, we proceed to dispose of this case in terms of Rule-15 of CAT (Procedure) Rules, 1987.

6. Learned counsel appearing for the respondents submitted that the OA is grossly time barred as the applicant is claiming notional promotion w.e.f. 23.9.67 when his juniors have been given promotion. As applicant could not file his OA within one year from the date when juniors were promoted, thus the application is hopelessly time barred. We have also perused the record and we find that the Annexure A-1 which is the impugned order in the present OA has specifically referred the earlier OM issued by the department dated 24.7.96 and it is a well settled law in the case of S.S. Rathore Vs. State of M.P. AIR 1990 SC 10 that repeated representations cannot extend a period of limitation.


7. Even on merits, we find that so alleged juniors Shri K.P. Nair and Shri K.N.P. Nair were initially appointed in the pay scale of Rs. 130-300 plus Rs.25 as Special pay and since they were not satisfied with that they have approached the Court and had filed an ^{Case in} ~~OA~~ and by virtue of the court's order their pay was revised in the higher pay scale of Rs.210-530 w.e.f. 1.4.67 which shows that those two persons who were conscious ^{about their rights} had approached the court and had got the relief and this fact was fully within the knowledge of the petitioner and as the present applicant has not approached the court within the time ~~which~~, as such, we find that the ^{his} application cannot be entertained. The fact that the

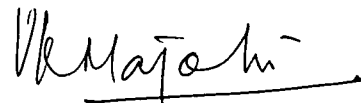
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two alleged juniors were granted higher pay scale as long back in the year 1967 and the applicant at this stage in the year 2000 cannot claim notional promotion from that date. In the circumstances, we find that OA has no merit at all and the same is dismissed. No costs


(Kuldip Singh)
Member (J)


(V.K. Majotra)
Member (A)

cc.