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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 2309/2000

New Delhi: this the 24th day of APRIL, 2001.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Inspector Sunder Dev No. D-2000,

S/o Shri Kishan Lal,

Presently posted in District Crime Cell,
East District, Delhi.

R/o H. No. 61, Vill. Malakpur,

Delhi-9

....Applicant.

(By Advocate: Shri Sachin Chauhan)

Versus

Union of India,
through its Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Commissioner of Police, Delhi,
Police Head Quarters, I.P. Estate,
MSO Building,
New Delhi.

3. Addl. Commissioner of Police,
Establishment,
Police Headquarters, IP Estate,
MSO Building,
New Delhi

....Respondents.

(By Advocate: Shri Ajesh Luthra)

ORDER

S.R. Adige, VC(A):

In this OA filed on 1.11.2000 applicant impugns respondents' order dated 11.8.97 (Annexure-A1) and dated 7.9.98 (Annexure-A2). He seeks reconsideration of his case for promotion as Inspector (Ex) w.e.f. 12.8.94 with consequential benefits.

2. Applicant, who belongs to SC community, was proceeded against departmentally vide order dated 14.10.91 as per his own averments. A DPC was held on 12.8.94 for considering cases of SIs for promotion as Inspector, but owing to the pendency of the DE against him, applicant's name was kept in sealed cover

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while making promotions vide order dated 12.8.94 (Annexure-A4). Subsequently applicant was awarded a major punishment of forfeiture of 2 years' approved service permanently in that DE vide order dated 15.3.95. Applicant filed OA No. 1768/97 challenging the aforesaid order, in which by order dated 16.7.98 (Annexure-A5) the impugned punishment was set aside and applicant's name was directed to be removed from the secret list, whereupon respondents by order dated 1.9.98 (Annexure-A6) quashed the punishment order and removed applicant's name from the secret list with retrospective effect.

3. Meanwhile upon conclusion of the DE the sealed cover was opened, and by order dated 11.8.97 (Ann-A1) applicant was found graded 'unfit' by the DPC for promotion as Inspector.

4. After quashing of the punishment order, applicant represented to respondents on 29.7.98 (Annexure-A7) for holding review to consider his case for promotion as Inspector of Police w.e.f. 12.8.94, but the same was rejected by order dated 7.9.98 (Annexure-A2).

5. Subsequently applicant was promoted as Inspector Police w.e.f. 24.12.98 (Annexure-A8).

6. Applicant's prayer is sought to be countered by respondents on the preliminary ground of limitation. Respondents state that applicant's cause of action arose on 7.9.98 with the rejection of his representation dated 29.7.98, and no explanation is forthcoming from applicant, let alone a satisfactory one as to why he filed this OA on 1.11.2000 i.e. over 2 years after his cause of action arose. It is pointed out that there is not even a petition for condonation of delay in filing the OA which has to be dismissed straightway on ground of limitation.

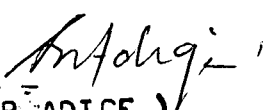
7. Applicant has sought to contend that his cause of action arose from a subsequent order of censure dated 12.9.2000 in another OE initiated against him on 5.8.96, but as correctly pointed out by Shri Luthra that censure order dated 12.9.2000 had nothing to do with applicant's name initially being placed in the sealed cover in the OPC held on 12.9.94.

8. Applicant's cause of action arose from the rejection of his representation on 7.9.98, and reckoned from that date this OA is clearly hit by limitation under section 21 AT Act.

9. The preliminary objection raised by respondents that the OA is hit by limitation, is therefore sustained and we note that there is not even a petition for condonation of delay.

10. The OA is therefore dismissed on ground of limitation. No costs.


(DR. A. VEDAVALLI)
MEMBER (J)


(S. R. ADIGE)
VICE CHAIRMAN (A)