

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.1162 of 1989

New Delhi, dated this the 13th of May, 1994.

Shri N.V. Krishnan, Hon. Vice Chairman(A).
Shri C.J. Roy, HOn. Member(J).

Shri Sham Lal Aggarwal,
S/o Shri Ganpat Rai,
T.G.T. (Science),
Govt. Co-Ed Sr.Sec.School,
Tikri Khurd, Delhi.
R/o 133, Pana Udyan Narela,
Delhi.

...Applicant

By Advocate: None.

versus

1. The Chief Secretary,
Delhi Administration,
Old Secretariat, Delhi.
2. The Director,
Directorate of Education,
Delhi Administration,
Old Secretariat, Delhi.
3. Dy.Director of Education'North',
Directorate of Education,
Delhi Administration,
Lucknow Road, Delhi 110007.
4. The Education Officer, Zone IV,
Directorate of Education,
Delhi Administration,
Lucknow Road, Delhi 110 007.
5. The Principal,
Govt. Co-Ed Sr.Sec.School,
Tikri Khurd, Delhi 110 040.

...Respondents

By Advocate: None.

O R D E R (Oral)

By Shri N.V. Krishnan

When this case was taken up for hearing today, neither the applicant nor his counsel was present nor was any one present on behalf of the respondents, though called twice. This case is listed at Sl.No.6 with a note to the counsel that cases upto Sl.No.10 are posted for peremptory disposal. Hence, we have decided to peruse the records and pass final orders and we do so.

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2. The applicant is aggrieved by the impugned order dated 23.8.85, by which, the recordable warning was issued to him(Annexure-A). He is also aggrieved by the fact that on that ground, the promotion to the senior pay scale has been denied to him by the impugned order dated 21.3.88. He has therefore, prayed to quash the impugned orders dated 23.8.85 as well as 21.3.85 and to declare him entitled to all the benefits of Senior Grade Scale from 1.1.86.

3. The application is opposed by the respondents.

4. We have perused the records. The recordable warning was issued on 23.8.85 as follows:-

"It has been observed that Shri S.G.Agarwal, TGT(Sc.A) working in G.Co-ed.SSS, Tikri Khurd is in the habit of making false complaints to the higher authorities against his superiors. On number of occasions these complaints were got enquired into and found to be otherwise. The attention of Shri Aggarwal is drawn to rule-3 of Civil Services Conduct Rule, 1965, wherein a Govt.servant is required to maintain absolute devotion to duty and maintain absolute integrity. This act of Shri S.G.Agarwal is unbecoming of a Govt. servant. He is, therefore, administered recordable warning to be careful in future and in case he resorts to such acts, necessary disciplinary action under CCS'CCA' rules, 1964 will be initiated against him."

5. The applicant states that he had made several representations, the first of which, appears to have been made on 3.9.85 as seen from Annexure-H representation dated 12.5.88. It is stated therein, that the applicant had been representing since 3.9.85 against the wrong and unjust warning issued to him on 23.8.85.

6. We are of the view that if the applicant did not receive any reply to his representations, he should have resorted to legal remedies very much

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earlier as provided under Section 21(2) of the Administrative Tribunal's Act, 1985. We notice that the OA itself has been filed only on 29.5.89. In the circumstances, the relief prayed for in this regard is hopelessly barred by limitation.

7. In the rejoinder filed by him, he pointed out that the recordable warning is to be treated as a censure, as has been held by a Bench of this Tribunal in the case of V.K. Gupta vs. Union of India (1989(1) ATL-T C.A.T. (short notice-67). Be that as it may, unless the applicant has resorted to legal remedies, he is not entitled to any reliefs.

8. In so far as the second relief is concerned, it is made clear that the DPC considered his case for promotion, but did not approve him for senior pay scale on the ground that recordable warning has been entered in the character roll.

9. In the circumstances, we are unable to hold that the denial of promotion is unjust. OA is dismissed.

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'C.J. ROY'
MEMBER 'J'
13.5.94

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13.5.94
'N.V. KRISHNAN'
VICE CHAIRMAN 'A'
13.5.94