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Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. CA-148/89

Date: 17-8-89

Shri D.S. Ramaratnam Applicant

Versus

Union of India & Ors. Respondents

For the Applicant Shri M.N. Krishnamani, Advocate

For the Respondents Shri P.H. Ramchandani, Advocate

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri P.C. Jain, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *No*

(Judgement of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice-Chairman)

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought the following reliefs:-

- (i) to grant the original seniority to him in accordance with the rank in the seniority list of Grade III officers published on 26th October, 1976 by the respondents;
 - (ii) to declare him duly selected by the D.P.C. of 1976 being protected seniority position and financial benefits under Foreign Deputation Service Rules and promoted to Grade II Officers of the I.S.S. in the year 1977 or so soon, thereafter in accordance with his rank in the said seniority list; and
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(iii) to place him above in status to all those officers who were junior to him in the original seniority list of 1976 of Grade III officers of the I.S.S.

2. The application was filed on 19th January, 1989. On 24.1.1989, the Tribunal directed issue of notice to the respondents regarding admission and limitation. The respondents have thereafter filed their counter-affidavit and the applicant his rejoinder. The case came up for admission on 9.8.1989, when we heard the learned counsel for both the parties. We have also gone through the records of the case carefully.

3. The facts of the case in brief are that the applicant was initially appointed to Grade IV of the Indian Statistical Service in 1968. He was thereafter promoted to Grade III of the same Service in 1970. He was deputed to Mauritius under the ITEC (Indian Technical & Economic Cooperation) Programme and he continued to work there from September, 1973 till the end of 1977. His grievance is that during his period of deputation, a D.P.C. met in 1976 for considering the suitability of officers Grade III for promotion to Grade II of the Service. He was, however, not promoted to Grade III while his batchmates were promoted in 1977. He made several representations which did not yield any result. According to him, the D.P.C. which met in 1976, did not consider his performance appraisal during the period 1973-76, when he was on deputation to Mauritius. He contends that had he been given his due promotion in Grade II in

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1977, he would have risen to Grade I in 1980 and got further promotion[✓] in the I.S.S. by 1987 or so.

4. The respondents have contended in their counter-affidavit that the reliefs claimed by the applicant date back to the years 1976-77. He had been representing from time to time in relation to the reliefs claimed in the present application. All such representations had been duly considered and rejected. In this context, they have referred to their reply dated 21.11.84 to his representations dated 15.11.1984 and 20.11.84 which read as follows:-

"As far as his request regarding promotion to Grade II of ISS, refixation of seniority, pay, etc., representations made by him from time to time in this regard have been considered in consultation with, and by the cadre authority. He will kindly appreciate that promotion to Grade II is done on selection basis and he has not been approved for such promotion so far. Question of his promotion to Grade II of ISS, refixation of seniority, pay, etc., does not therefore arise."

5. With regard to his first representation dated 6.12.1979, the respondents had sent a reply on 25.1.80 informing him that he was considered by the D.P.C. and that the rules did not provide for appreciation letters being placed in the C.R. dossiers. This was a condition common to all Government servants sent on foreign assignments.

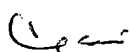
6. The respondents have submitted that this Tribunal has no jurisdiction to entertain a grievance which arose before 1.11.1982. The respondents have also referred to the replies given to the repeated representations made by the applicant dating from 6.12.1979 to 19.12.1985.

7. In our opinion, the grievance of the applicant arose in 1976-77 when the D.P.C. met and recommended officers suitable for appointment to Grade II of the I.S.S. The reliefs claimed by the applicant are clearly barred by limitation. In a case where the grievance of the applicant arose prior to 1.11.1982, this Tribunal has no jurisdiction to entertain an application. The

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question of condonation of delay would not arise in such a case. In the instant case, the applicant [✓] had made representations repeatedly from 6.12.1979 to 19.12.1985. Such repeated representations will not have the effect of extending the period of limitation (vide Gian Singh Mann Vs. High Court of Punjab & Haryana & Another, 1980(4) SCC 226).

8. In the light of the foregoing, we are of the opinion that the present application is not maintainable in view of the provisions of Section 21 of the Administrative Tribunals Act, 1985 and the same is dismissed at the admission stage itself. The parties will bear their own costs.


(P.C. Jain)
Administrative Member


(P.K. Kartha)
Vice-Chairman(Judl.)