

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1669/89

(7)

New Delhi, dated the 15th April, 1994

Hon'ble Sh. B.N.Dhoundiyal, Member(A)

Hon'ble Sh.B.S. Hegde, Member(Judicial)

Shri Bhagwan Menghani
S/o Sh. Murij Mal R/o E-191,
Kalkaji, New Delhi

...Applicant

(None the applicant)

Versus

1. Secy Govt of India, Ministry of Urban Development, Nirman Bhawan, N/Delhi.
2. The Director General of Works, CPWD, Nirman Bhawan, New Delhi.
3. The Supdt.Engineer, PWD Circle No.III(DA)
13th Floor, MSO Building, I.P.Estate,
New Delhi
4. The Ex.Engineer, PWD(DA) Divn.No.27(DA)
8th Floor, MSO Building, I.P.Estate,
New Delhi

..Respondents

(By Advocate Shri Madhav Panikar)

ORDER(ORAL)

(Hon'ble Sh. B.N.Dhoundiyal, Member(A))

This is one of the cases fixed for ~~peremptorily~~ final hearing. Though this case has been called out twice, none is present on behalf of the applicant. As this is an ~~old~~ ^{old} case of 1989, ^{we} proceed to dispose it of on the basis of the pleadings and submissions made by the counsel for the respondents.

2. The applicant was appointed as LDC in CPWD

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on 24.7.1971. He was promoted to the post of UDC and worked in CPWD till 16.3.1983. He applied for the post of Accountant, through proper channel in the office of the ITDC Limited and was offered appointment vide corporation letter dated 18.2.1983 and joined duties as Accountant in the pay scale of Rs 425-800 w.e.f. 17.3.1983 without any break in service. According to him, his technical resignation was accepted, by the Executive Engineer on 16.3.1983. The applicant was declared eligible for confirmation to the post of LDC vide circular dated 18.3.1983 of the respondents, his name was included (Ann.B) He is aggrieved that the respondents have not confirmed him as L.D.C.

3. In the counter filed by the respondents, it is stated that since the applicant has resigned from the department in his own interest and not in public interest, ^{by} he was not entitled for any benefit. He did not revert back after completion of two years ^{for} the case for confirmation cannot be considered. We find considerable substance in this argument

4. Apart from the merits of the case, the application is barred by limitation as he has filed in August, 1989 against the impugned orders dated 25.9.85 and 17.2.1986. The O.A. is, therefore, dismissed. No costs.

B.S. Hegde
(B.S. Hegde)
Member (J)

B.N.Dhondiyal
(B.N.Dhondiyal)
Member (A)

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