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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A.No.2418/89

New Delhi, this the 9th August, 1994.

HON'BLE MR.JUSTICE D.L.MEHTA VICE CHAIRMAN (J)
HON'BLE SHRI B.K.SINGH MEMBER (A)

Shri Ramesh Singh
s/o Shri Bhagwan Das,
LSG Postal Assistant,
South West Divn., New Delhi.
(By Shri Sant Lal Advocate)

..Applicant

Vs.

1. The Chief Postmaster General,
Delhi Circle, New Delhi.

2. The Sr.Supt. of Post Offices,
South West Division,
New Delhi.

..Respondents.

(By Shri KC Sharma, Advocate)

ORDER (ORAL)

HON'BLE SHRI B.K.SINGH, MEMBER (A)

The applicant was appointed as Postal Assistant in Delhi Postal Circle in December 1968. He was placed under suspension on 7-10-1980 vide Memo No.BR/10-18 dated 7-10-80 issued by the Senior Supdt. of Post Offices, South West Division on the grounds of contemplated disciplinary proceedings. He was reinstated on 31-10-80 vide Memo No.BR/18 issued by the Sr. Supdt. Post Offices, SW Division. The Sr-Supt.Post Offices, SW Division vide his letter No.SSPOs/Con/81-82 dated 16-10-81 communicated the following adverse remarks recorded in the ACR of the applicant for the year 1980-81 (1-4-80 to 21-10-80). These remarks were:

"You have not been found fit for promotion for the time being by my predecessor Shri AR Passi because you were found to be impertinent, insubordinate, adament, non-cooperative to your senior officers."

These adverse remarks ~~were part of the charges which~~

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for which he was issued charge sheet on 7/15-5-81 but the same was cancelled by the Disciplinary Authority vide order dated 25-11-82. Another charge sheet under Rule 14 of CCS (CCA) Rules 1965 was issued and served on the applicant. The Inquiry Officer submitted his report on 30-9-83 holding the charges not proved. The Disciplinary Authority disagreed with the Inquiry Officer and awarded the penalty of stoppage of next increment for six months vide Memo dated 18-8-84. On appeal, the charges against the applicant were dropped but he was warned to improve his conduct.

2. The case of the applicant for placement in the next higher scale of LSG was considered but he was not found fit. This was intimated to the applicant by the Sr. Supdt. of Post Offices vide letter No.B2/2-B dated 18-12-84. The applicant was approved for placing in the higher scale under time bound promotion scheme in 1987 and accordingly he was placed in the said higher scale w.e.f. 1-4-1987. On his representation filed to Postmaster General it seems this order was further modified as would be evident from An.A5 communicated to him vide Memo No.B2/2 B dated 26-7-88. The promotion to lower selection grade was anti-dated with effect from 1-4-86 instead of 1-4-87. It appears that the representations filed by the application to the Postmaster General received due attention and the promotion was given to him from 1-4-86. The reliefs prayed in the D.A. are as under:-

1. To set aside the impugned orders;
2. To direct the respondents to grant next higher scale to the applicant from the due date under TBOP Scheme;
3. To grant the consequential benefits;

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4. To award the cost of this application;

5. To grant such other relief as this

Tribunal deem fit in the interest of

justice.

These are very vague and not clear. During the course of arguments the ld. counsel claimed promotion with effect from 5-12-84 when he had completed 16 years of service. Unfortunately this has not been clearly mentioned in the relief clause. He was granted promotion with effect from 1-4-86 is admitted and is available on record. The question of grant of promotion with effect from any date earlier i.e. from 1-4-85 or from 6-12-85 when he had completed 16 years has not been specifically prayed for. This application was filed on 4-12-89. Therefore the claim for promotion with effect from 6-12-84 as argued by the ld. counsel for the applicant on account of expunction of remarks in his C.R. will be hit by limitation because the cause of action arose in 1984 and the application was filed on 4-12-89. The Hon'ble Supreme Court in the case of State of Punjab Vs. Gurdev Singh 1991(1994) SSC 1 has held that the party aggrieved by an order has to approach the court for relief for declaration within prescribed period of limitation since after the expiry of the statutory time limit the court cannot give declaration asked for. In case of SS Rathore Vs. State of M.P. AIR 1990 SC 10 it has been held that repeated unsuccessful representations not provided by law will not extend the period of limitation. The latest judgement on the subject is necessary. The judgement of the Hon'ble Tribunal Bombay Bench in case of Union of India Vs. Rattan Chand Samanta was set aside purely on ground of limitation alone. This is JT 1993(3)SC 418. In view of these judgments of

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the Hon'ble Supreme Court the prayer for grant of relief although not specific in the relief clause but argued at the time of hearing, cannot be granted. The applicant has already been granted time bound promotion with effect from 1-4-86 on the basis of the orders of the Postmaster General and he cannot have any further grievance for anti-dating the same since the O.A. was filed on 4-12-89 and he was not adjudged suitable also during the period 1984-85 and as such no relief can be granted to him. The O.A. is accordingly dismissed being devoid of any merit and substance. No costs.


(B.K.SINGH)
Member(A)


(D.L.MEHTA)
Vice Chairman(J)