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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. 1334/88

Date of decision: 5.10.93

Suraj Parkash

... Petitioner.

Versus

Union of India through
the Secretary,
Ministry of Defence,
New Delhi & Anr.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER(A).

For the petitioner

... None.

For the respondents

... Mrs Raj Kumari Chopra,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

None appeared for the petitioner. Mrs Raj Kumari Chopra, Counsel, was present on behalf of the respondents. As this is a very old matter, we thought it proper to peruse the records, hear the learned counsel for the respondents and dispose of the case on merits.

2. The petitioner has come with this application filed on 20.7.1988 with a prayer to fix his pay on promotion to the post of O.S. Grade-II with reference to the pay drawn by his junior Shri Ram Bharose and for consequential benefits. At the outset, it is necessary to examine the ^{/delay in making the} ~~highly belated~~ claim particularly having regard to the fact that it has a bearing on our jurisdiction. The petitioner's grievance is that Shri Ram Bharose, a junior of his, was given promotion

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as O.S. Grade-II in the year 1973 whereas promotion was given to the petitioner as O.S. Grade-II w.e.f. 28.7.1980. It is alleged that Shri Ram Bharose having been promoted earlier has been able to secure fixation of higher pay than the petitioner. It is also necessary to point out that the petitioner retired from service on 30.4.1983 while drawing pay @ Rs.620/- per month. This petition has been filed nearly five years after his retirement and fifteen years after the cause of action accrued to challenge the promotion of his alleged junior Shri Ram Bharose. It is also clear from the reply that in the year 1973 the petitioner and Shri Ram Bharose were serving in two different Commands when promotions to the post of O.S. Grade-II were made on command basis upto the year 1975 and that, therefore, some were able to secure earlier promotion in one Command and similarly situate in other Command got delayed promotions. It is clear from these facts that the cause of action accrued in favour of the petitioner when Ram Bharose was promoted on 28.2.1973 on the first occasion^{and}/in the year 1975 when a common seniority list was prepared and lastly when the petitioner retired from service on 30.4.1983. The petition having been filed in the year 1988 apart from being highly belated it is necessary to point out that we have no jurisdiction to entertain the application in which the cause of action accrued three years prior to the establishment of

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the Tribunal. In that view of the matter, nothing can be done in the case of the petitioner. This application is accordingly rejected. No costs.

S. R. Adige
(S.R. ADIGE)
MEMBER(A)

V. S. Malimath
(V.S. MALIMATH)
CHAIRMAN

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