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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

....

DA.No. 573 of 1988

Dated New Delhi, this the 3rd day of June, 1994

Hon'ble Shri C. J. Roy, Member(J)  
Hon'ble Shri B.K. Singh, Member(A)

Shri Subas Chand Uppal  
R/o Qtr, No.D 22, 1st Floor,  
Chitragupta Road, Aram Bagh,  
NEW DELHI

... Applicant

By Advocate: Shri A. Kalia, proxy  
counsel for  
Shri R.L. Sethi

Versus

Union of India, through

1. Director General of Health Services,  
Government of India, Nirman Bhawan,  
NEW DELHI
2. The Medical Superintendent,  
Dr Ram Manohar Lohia Hospital,  
NEW DELHI

... Respondents

By Advocate: Shri M. L. Verma

O R D E R  
(Oral)

Shri C. J. Roy, M(J)

Heard. We have seen the records. The applicant  
claims the following reliefs:

- "(a) That the Respondents who have already taken sufficiently long time, should urgently act in the matter, by taking a final decision in the matter immediately, and
- (b) Allowing the applicant who is eligible and satisfies all the pre-requisite conditions selection grade (330-480) from the date selection grade 330.480 was introduced by G.O. dated 17.11.83 and
- (c) Financial benefits accruing therefrom 17.11.83 be allowed to the applicant ."

The averments are that the applicant has rendered 24  
years of continuous service uninterrupted and he is

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entitled to the selection grade, because appointment to selection grade is by seniority-cum-fitness. He claims that there is no adverse remark and his ACRs are very good and the respondents to give him selection grade right from 17.11.93.

2. The respondents filed their reply stating that the case is hopelessly barred by limitation and that there is no order against which the applicant has been ~~to~~ file the application. It is further stated that no benefit of past service was given to the surplus staff redeployed in recipient organisations for the purpose of seniority etc. It is admitted that the post of LDC (Selection Grade) is filled up on the basis of seniority-cum-fitness. In the circumstances, they cannot withdraw the seniors ahead of the applicant for consideration. The applicant has also filed rejoinder reiterating the same facts.

3. We looked into the case of the applicant who was appointed to the post of LDC on 17.2.64, who was declared quasi-permanent on 17.2.67 in the office of Regional Settlement Commissioner, New Delhi. That on abolition of said office, the applicant was transferred by the Department of Personnel and Administrative Reforms, to the Willingdon Hospital, New Delhi as an LDC with effect from 6.12.76. and he claims that his seniority

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is protected under Ministry of Home Affairs Office


Memorandum No.9/22/68-Estt.(D) dated 6th February, 1969.

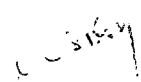
It is stated that there are no promotional avenues  
by virtue of  
available to him and therefore/his 24 years' uninterrupted  
service, he is entitled to one of the 4 posts of selection  
Grade.

4. We agree with the learned counsel for the respondents  
that the case is hopelessly barred by time. The applicant  
has claimed relief from 1983. Taking a clue from the  
Third Pay Commission, we see that the Third Pay  
Commission's Report has already been implemented and  
Fourth Pay Commission's Report has also been implemented.  
Besides, we also take note of the fact that the Fifth  
Pay Commission has already started functioning. In  
the circumstances, keeping aside the limitation point,  
we choose to give the following direction to the  
respondents:

- (i) The applicant may make a representation to the  
respondents and the respondents on receipt of  
the said representation, refer the matter to  
the Fifth Pay Commission and let this matter  
be decided by the expert body, the Fifth Pay  
Commission.

5. With these directions we dispose of this application  
with no order as to costs.

  
(B. K. Singh)  
Member(A)

  
(C. J. Roy)  
Member(J)