

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 891
T.A. No.

1986.

DATE OF DECISION May 4, 1987.

Shri K.K.Kamra,

Petitioner

Shri R.P.Oberoi,

Advocate for the Petitioner(s)

Versus

Union of India and others,

Respondent s.

Shri M.M.Sudan,

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K.Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, 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
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether to be circulated to other Benches? No


(Kaushal Kumar)
Member
4.5.1987.


(K.Madhava Reddy)
Chairman
4.5.1987.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

O.A. No.891/1986.

May 4,1987.

Shri K.K.Kamra ...

Applicant.

Vs.

Union of India and others .. Respondents.

CORAM:

Hon'ble Mr. Justice K.Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant .. Shri R.P.Oberoi, counsel.

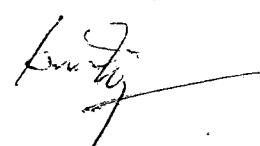
For the respondents .. Shri M.M.Sudan, counsel.

(Judgment of the Bench delivered by
Hon'ble Mr. Justice K.Madhava Reddy,
Chairman).

This is an application for quashing the seniority list of Grade III(M) officers published by respondents 2 and 3 under Order No.F.2(3)/73-S II (JSC) dated 22.11.1973, Order No.FS/1/85-JSC dated 17.1.1986 and Order No.F.3/17/86-S II dated 19.8.1986 and for appropriate directions to respondents 1 to 3 to treat the applicant as having been promoted to the post of U.D.C. w.e.f. 22.7.1966 on which date the 4th respondent was appointed as UDC and to give him all the consequential benefits. In particular, he prays that his name should be placed in the seniority list of UDCs at Sl.No.1433 published on 22.11.1973 and at Sl.No.81 in the seniority list published on 19.8.1986 and to consider him for promotion to the grade II on the basis of corrected seniority list.

From the very reliefs prayed for by the applicant, it is clear that at least in respect

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of the order dated 22.11.1973, this Tribunal has no jurisdiction to entertain his grievance. When the seniority list of UDCs was published on 22.11.1973, and the applicant's name did not figure therein, while that of the 4th respondent appeared, he made representations against that omission. As admitted by him in paragraph 10 of the application (Annexure VIII), those representations were rejected on 26.5.1976 and the orders communicated to him. He did not move the High Court or any other court. Grievance in this behalf relates to an event which occurred more than three years before the 'Appointed day', ~~that~~ is 1st November, 1985. Hence it is beyond the purview of this Tribunal as laid down in Section 22 of the Administrative Tribunals Act.

Against the seniority list published on 17.1.1986, the applicant has made representation and that representation according to him remains undisposed of and, therefore, this application filed on 7.10.1986 is no doubt within time in respect of this grievance. However, we do not see any merit in his claim. If he was not included in the seniority list of UDCs published on 22.11.1973 and his claim for inclusion therein cannot be entertained at this distance of time and he was promoted as UDC on 7.4.1971 and was made regular on 30.6.1972; he can have no grievance when his seniority is determined on that basis. Obviously Shri S.K.Gulia, respondent No.4 who was promoted on 22.7.1966 and others promoted



subsequently but earlier to the applicant, would have to figure above the applicant. The present claim of the applicant is, therefore, devoid of merit. This application is accordingly dismissed.

K. Madhava Reddy

(Kaushal Kumar)
Member
4.5.1987.

K. Madhava Reddy

(K. Madhava Reddy)
Chairman
4.5.1987.