

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(12)

Regn.No.OA 1202/1986

Date of decision: 27.11.1992

Shri Amrit Lal Sharma

..Applicant

Versus

Union of India & Others

..Respondents

For the Applicant

..Shri R.K. Relan,
Counsel

For the Respondents

..Mrs. Raj Kumari Chopra,
Counsel

COMAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *Yes*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha, Vice Chairman(J))

The issue raised in this application relates to certain anomalies said to have arisen in the matter of promotion of the applicant from LDC to UDC and promotion of his juniors to the next higher grade of Office Superintendent by superseding him.

2. We have gone through the records of the case and have heard the learned counsel for both parties. The applicant was appointed as LDC on 10.10.1962 and he qualified in the examination for promotion to the post of UDC in 1966. He was promoted as UDC with effect from 1.12.1969. He has alleged that persons who qualified in the

examination in subsequent years and some others who were posted in his office from other units were given higher seniority erroneously with the result that his juniors have been promoted as Office Superintendents by superseding him.

3. According to the respondents as per prevailing recruitment rules LDCs who have passed the departmental UDC examination and have put in three years of service in the grade are eligible. As such whenever the DPC is conducted for promotion from LDC to UDC, only qualified LDCs who have put in three years of service are considered for their promotion in the form of their service seniority.

4. The respondents have further stated that promotion panel is generally operative for one year and extendable by six months based on the availability of vacancies. In the event of operation of panel, if the result of departmental examination is received, such senior candidates who have qualified subsequently are not deprived of their promotion by their juniors. In such circumstances, they may review the panel through DPC for insertion of such senior candidates. During 1966 the name of the applicant was considered by the DPC being fit for promotion but his name did not figure in the panel owing to lack of vacancies. He was again considered in the DPC held in 1967 and his name

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figured at S.No.61 of the panel of 63 candidates based on seniority-cum-fitness. He could not be promoted due to non-availability of vacancies and no individual junior to him has been promoted as alleged. The DPC was again conducted in 1969 and his name was duly considered on his seniority in the grade.

5. According to the respondents, promotion of LDC is conducted at command level and on command seniority roster and, therefore, promotion of juniors of other command earlier to the applicant cannot be called in question. The alleged juniors who were promoted earlier belonged to another command.

6. In our opinion, the application is clearly barred by limitation. The reopening of the seniority given and promotions made from 1969 to 1992 will have great unsettling effect. The applicant made his first representation on 1.8.1969 which was not acceded to by the respondents.

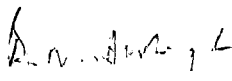
After a lapse of several years, he again made a representation which was rejected on 18.2.86. on 28.1.1985/ This would not extend the period of


limitation. It is well settled that any one who may feel aggrieved with an administrative order or decision affecting his right should act with due diligence and promptitude and not sleep over the matter. Raking of old matters after a long time is likely to result in administrative

complications and difficulties and it would create insecurity and instability in service which would affect its efficiency (Vide K.R. Mudgal Vs. R.P. Singh, 1986 (2) SCALE 561; Yashbir Singh Vs. Union of India, 1987 (2) SCALE 371).

7. Apart from what is stated above, the applicant has also not impleaded the persons who are likely to be adversely affected if the relief sought for by him were to be granted.

8. In the light of the above, we are of the opinion that the reliefs sought by the applicant as regards his seniority and promotion are not maintainable at this stage. The application is, therefore, dismissed. There will be no order as to costs.


(B.N. Dhoundiyal) 27/11/92
Administrative Member


(P.K. Kartha)
Vice-Chairman(Judl.)