

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

REGN.NO.O.A.1703/⁽⁸⁷⁾93 Date of decision:30.3.1993

S.P. Gupta.

... Petitioner.

Versus

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

... Respondents.

CORAM:

THE HON'BLE MR JUSTICE V.S.MALIMATH, CHAIRMAN.
THE HON'BLE MR B.N.DHOUNDIYAL, MEMBER(A).

For the Petitioner. ... None.

For the Respondents. ... None.

JUDGEMENT (ORAL)

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

None appears for the petitioner or for the respondents. As this is a very old matter, we consider it appropriate to look into the record, hear the learned counsel for the respondents and dispose of the case on merits.

2. The petitioner in this case has prayed for a direction to declare him as eligible to the upgraded scale of Rs.330-480 from 16.10.1981 in terms of Annexure A-2 and to grant him all consequential benefits. In the circumstances, it is necessary to point out that the cause of action accrued in the year 1981 which itself is sufficient to disentitle relief to the petitioner at the hands of the Tribunal in the petition filed in the year 1987. Even on merits, the petitioner has no case as is clear from the stand taken by the respondents in paragraph 6(5) of the reply. It is stated that the area of GE(AF) Tughlakabad was under

the administrative control of CWE(P) Delhi Cantt during 1981 and it was transferred under the administrative control of CWE(AF) Palam during April, 1984. The petitioner also thus stood transferred to the administrative control of CWE(AF) Palam during April, 1984. The CWE(AF) Palam was to consider the area seniority of the employees under his jurisdiction at the time of holding DPC in 1986. It is stated that the steps taken in that way were not objected to by any one. It is further stated that the petitioner was considered by CWE(AF) Palam for upgradation of the employees in his area during May/June, 1986 with retrospective effect from 16.10.1981. There were many other SBAs in the area of CWE(AF) Palam who were senior to the petitioner. Hence, the petitioner was not promoted to the higher grade of Rs.330-480 by the CWE(AF) Palam, he being junior in the present formation. Thus, it is clear that the petitioner had to work out his rights in the unit to which he was transferred. It is also clear that his case was considered in the said unit for granting promotion with retrospective effect. But there were many other persons senior to the petitioner. Having regard to the limited number of vacancies available, the petitioner's turn did not reach. We are, therefore, satisfied that there is no case for interference. This petition fails and is dismissed accordingly.

B.N. Dhoundiyal
(B.N. Dhoundiyal)

Member(A)

V.S. Malimath
(V.S. Malimath)

Chairman

'SRD'

300393