

In the Central Administrative Tribunal (10)

Principal Bench: New Delhi

OA No.89/87.

Date of decision: 30.07.92.

Shri M.R. Verma

...Applicant

Versus

Union of India & Others

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

For the applicant

None

For the respondents

Shri P.P. Khurana, Counsel.

Judgement (Oral)  
(Mr. Justice V.S. Malimath, Chairman)

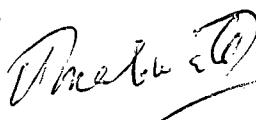
Neither the applicant nor his counsel was present when the case was taken up. Shri P.P. Khurana, learned counsel appears for the respondents. As this is a very old case, we consider it appropriate to dispose of this case on merits.

2. The grievance of the applicant is in regard to his reversion by order dated 7 July, 1982 (Annexure-C) from the post of Research Officer, Planning Commission to the post of Economic Investigator Grade-I with effect from the afternoon of 9 July, 1982. Shri Khurana, learned counsel for the respondents raised a preliminary objection to the maintainability of this Application on the ground that the claim of the applicant was barred by time even before the Administrative Tribunal was constituted. The cause of action, so far as the reversion is concerned, arose on 7 July, 1982, the period of limitation prescribed for filing a Suit being three years was barred by limitation before the Tribunal was constituted on 1.11.1985. Hence on this short ground this Application is liable to be dismissed.

3. There is, however, a prayer for condonation of delay in MP dated 13.2.87. As this Application was barred by limitation before the Administrative Tribunal came into being on 1.11.1985 the question of condonation of delay does not arise. Even otherwise we do not find any satisfactory material pleaded in support of this case for condonation of delay. The interim order of passed in another case on the Supreme Court/ which the applicant has relied upon also can not come to the aid of the applicant in this behalf.

4. Even on merits, we do not find much substance in this Application. The applicant was promoted in a temporary vacancy. As soon as that vacancy ceased to exist he had to revert for want of vacancy. The respondents have stated in their reply that after the judgement of the Supreme Court was rendered and a revised seniority list was issued by the Department of Statistics in pursuance of the said judgement dated 11.2.1986 the name of the applicant does not find place in that seniority list. It is further stated that none of the applicant's junior has been promoted. Hence we are satisfied that even on merits the applicant has no case. The Application, therefore, fails and is dismissed. No costs.

  
(I.K. Rasgotra)  
Member (A)

  
(V.S. Malimath)  
Chairman

July 30, 1992.

skk