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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN.NO. O.A. 957/87.

DATE OF DECISION: 18.11.1992.

P.V. Ramanamurty.

..Petitioner.

Versus

U.O.I. & Ors.

..Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner. Petitioner present in person.

For the Respondents. Shri P.P. Khurana, Counsel.

JUDGEMENT(ORAL)

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

The petitioner, Shri P.V. Ramanamurty, has in this application filed in the year 1987 claimed several reliefs regarding seniority and promotion. He started his career as a Technical Assistant in the year 1959. He was promoted as Junior Field Officer on an ad hoc basis in the year 1971 and on regular basis w.e.f. 16.8.78. Even before his regularisation as Junior Field Officer, he came to be appointed to the next promotional post of Assistant Director in the Carpet Weaving) Training Scheme w.e.f. 7.8.1978. That assignment was the regarded as not in/regular channel of promotion available for the petitioner. Hence, that appointment was treated as on deputation. The petitioner was, however, appointed as Assistant Director (Marketing) in the regular channel of promotion on an ad hoc basis sometime in May, 1982. In pursuance of the D.P.C. held, he was regularly promoted w.e.f. 31.5.1984. In due course, we are informed that he has also earned promotion as Deputy Director w.e.f.

3.7.1990 during the pendency of these proceedings.

It is in this background that we have to examine the grievance which the petitioner has brought before us.

2. The petitioner has a grievance that he has suffered injustice when his junior Shri T.B. Vinod was promoted in the year 1970 as Junior Field Officer. According to him, the DPC had placed him at Serial No. 1 whereas Shri T.B. Vinod was placed below him at Serial No.2. He has a grievance to make about regularisation having been given belatedly w.e.f. 16.8.1978. The petitioner says that he had been continuously making representations to the different authorities regarding the promotion of Shri Vinod and delay in regularisation of his services as Junior Field Officer. We are afraid that it will not be possible to entertain this belated claim for regular promotion as Junior Field Officer with effect from the date earlier than 1978 or to place him in that cadre above Shri Vinod. The cause of action arose in the years 1970 and 1978. If the petitioner was keen on agitating his rights he should have done so within a reasonable time. He has not approached the appropriate forum within the prescribed time, at any rate within a reasonable period. We cannot entertain the grievance of the petitioner in this behalf, the petition having been filed in the year 1987.

3. The other grievance of the petitioner is in regard to his not having been accorded an earlier date of promotion in the cadre of Assistant Directors. If the petitioner cannot make any grievance about the date of regularisation in the cadre of Junior Field Officers,

on the ground of delay there is hardly any case worth examining for considering the petitioner's claim for granting an earlier date of regularisation in the cadre of Assistant Directors. None of the persons who were junior to the petitioner on the basis of the petitioner's regularisation w.e.f. 16.8.1978 have been promoted to the cadre of Assistant Directors on any date earlier than 31.5.1984. Hence, the petitioner cannot have any grievance in this behalf either. He has further a grievance to make in regard to some direct recruitment which had taken place to the cadre of Assistant Directors sometime in the year 1981. In accordance with the recruitment rules, the qualifying service for earning eligibility to the cadre of Assistant Directors is three years in the feeder cadre. The petitioner having secured regular promotion in the feeder cadre w.e.f. 7.8.1978, he was not eligible for consideration for the post of Assistant Director till the 7th of August, 1981. It was pointed out that under the recruitment rules though the post of Assistant Directors are exclusively to/ filled up by promotion, there is also a provision that if the posts cannot be filled up by promotion, direct recruitment can be resorted to. It is obviously for the reason that at the relevant point of time qualified persons in the feeder cadre were not available for promotion the respondents appear to have taken steps for filling up the vacancies by direct recruitment in the year 1980. Hence, it is not possible to find fault in this behalf. Besides, the grievance in regard to direct recruitment, which was effected in the year 1981, cannot be examined in the belated application now filed in the year 1987. Hence, the question of granting any relief to accord an earlier date of promotion in the cadre of Assistant Directors does not arise in this case. The petitioner has, in the meanwhile, secured

promotion as Deputy Director w.e.f. 3.7.1990. We are informed that he is due to retire very soon. The next cadre of promotion is that of the Directors which requires five years of regular service in the cadre of Deputy Directors. There is no chance of the petitioner becoming eligible for that post having regard to the factual situation discussed above.

4. Looked at from any angle, we do not find it possible to grant any relief. The petition fails and is accordingly dismissed. No costs.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN

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