

2.

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

D.A. 113/87
M.P. 182/87.

Shri O.P. Sharma

... Applicant

Vs.

Union of India & Ors.

... Respondents.

For the applicant:

Mrs. Sarla Chander, Advocate.

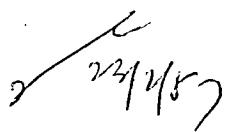
23.2.1987

In this case, the applicant has filed an application for condonation of delay. The applicant is aggrieved against an order dated 12.10.1971 promoting some of his juniors as Under-Secretary overlooking the applicant's claim. The cause of action in this application is the action of the respondents in not promoting the applicant as Under Secretary in October, 1971. Against the applicant's supersession or not considering him for promotion as Under Secretary, the applicant filed writ petition before the High Court of Delhi in 1974 which was subsequently withdrawn in 1976. Thereafter, the applicant is stated to have made representations to the concerned department and the representations were, however, rejected in December, 1985. Thereafter, the applicant seems to have approached the Supreme Court and the Supreme Court directed the applicant to go before the Central Administration Tribunal. It is in these circumstances, the applicant has come forward with this application seeking relief in respect of a cause of action which took place in the year 1971.

2. The application for condonation of delay does not show any tenable ground for condonation except saying that the order of 1971 overlooked his claims and promoted his juniors as Under Secretary which caused considerable hardship to the applicant. No tenable reason has been advanced as to why the remedy sought for by the applicant before the High Court and thereafter, in a civil court was not pursued. As a matter of fact, the applicant, after withdrawal

3

of the writ petition filed in the Delhi High Court, filed a suit and that suit also was rejected as the applicant's prayer to sue as ^{individually} an individual person was rejected by the civil court. The fact that the applicant has been making representations to the concerned department and the same were dismissed in 1985, does not enable the applicant to come before the Tribunal after such a long delay. If the Tribunal were to interfere with orders passed in the year 1971, it will be unsettling all the settled positions for the last 15 years. In this view of the matter, we are not in a position to condone the delay in this case. The petition for condonation of delay is rejected. In view of the rejection of the application for condonation of delay, the main application is dismissed at the admission stage.


(Birbal Nath)
Member 23.2.1987


(G. Ramanujam)
Vice-Chairman (J) 23.2.1987