

(23)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

O.A.No.2247/90

New Delhi, This the 17th day of November, 1994

Hon'ble Shri Justice S.C.Mathur, Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (A)

Shri Balwinder Singh  
c/o Shri Nandan Singh  
Investigator Gr II,  
Ministry of Labour  
Shram Shakti Bhawan  
New Delhi.

...Applicant

By None

Vs

Union of India, Through:  
Secretary  
Ministry of Labour  
Shram Shakti Bhawan  
Rafi Marg,  
New Delhi.

...Respondents

By Shri J C Madan proxy counsel for  
Shri P.H.Ramachandran, Advocate)

O R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

1. The case was taken up in the revised call but no one appeared for the applicant. On behalf of the respondent, Shri J.C.Madan appeared. With the assistance of the learned counsel for the respondent, we have perused the record and we decide the case on merits.
2. The applicant approached the Tribunal raising the grievance that he had not been given due seniority and promotion in the Ministry of Labour. He asserted that on account of failure of the Ministry to give him his due seniority he could not be confirmed on the post of Investigator Grade II on which Shri S S Rawat and Shri Kham Chand were confirmed with effect from January, 1990.

3. The material question for determination therefore is whether the applicant was senior to S/Shri SS Rawat and Khem Chand. According to applicant himself he joined as Computer in the Labour Bureau, Simla on 7.9.1962 and thereafter he came on transfer to the Ministry of Labour, New Delhi on 22.5.1974. With effect from 1.4.1978 he started officiating as Investigator Grade II on adhoc basis. As against this Shri Khem Chand started officiating as Investigator Grade II on adhoc basis with effect from 1.11.75 and Shri S S Rawat with effect from 6.3.1978. Shri SS Rawat and Shri Khem Chand were regularised with effect from January 1990 while the applicant as stated in the counter affidavit has been regularised with effect from February 1, 1991.

4. As far as the applicant's claim of seniority is concerned, it has been stated in the counter affidavit that the applicant was given the option to go back to Labour Bureau or continue in the Ministry of Labour with seniority with effect from 22.5.1974 when he joined the Ministry on transfer. The applicant opted for the second course. In view of this option, the learned counsel for the respondent contends that the applicant cannot claim seniority in the Ministry of Labour from any date prior to 22.5.1974. We find much substance in the submission of the learned counsel. It has also been stated in the counter affidavit that the applicant pressed his claim for seniority by counting the period he worked in the Labour Bureau and the same was rejected in the year 1976 and again in 1978. Since then the applicant did not agitate the matter of seniority and approached the Tribunal in the year 1990 when the services of Shri Khem Chand

and Shri S S Rawat were regularised on the post of Investigator Grade II. The application is barred by limitation.

5. In view of the above, we are of the opinion that no illegality was committed by the respondent in treating the applicant junior to Shri S S Rawat and Shri Khem Chand and regularising the services of the said two persons on the post of Investigator Grade II from a date earlier to the date on which the applicant was regularised on the said post.

6. Accordingly, the O.A. fails and is herewith dismissed with no orders as to costs.

P.J. Ds

(P.T. THIRUVENGADAM)  
Member(A)  
17-11-94

L. M. M.

(S.C. MATHUR)  
Chairman  
17-11-94