

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(M)

DA 2315/90

New Delhi, This the 21st day of December, 1994

Hon'ble Mr. Justice S.C. Mathur, Chairman
Hon'ble Mr. P.T. Thiruvengadam, Member(A)

Shri R.C. Thakur
Inspector, No.D-I/251
RI/East District
Delhi

.... Applicant

(By Advocate : Sh. Shanker Raju)

Vs.

1. Union of India through
Secretary to the Govt. of India
Ministry of Home Affairs
North Block, New Delhi
2. The Administrator of
Union Territory of Delhi/
Lt. Governor
Raj Niwas, Delhi
3. Delhi Administration through its
Chief Secretary
5-Sham Nath Marg
Delhi
4. The Commissioner of Police
Police Head Quarters
I.P. Estate
New Delhi

.... Respondents

(By Advocate : Sh. D.N. Trisal)

ORDER

Mr. P.T. Thiruvengadam

The applicant joined Delhi Police as Sub-Inspector in the year 1966. He was eligible for consideration for inclusion in the promotion list 'F' for the post of Inspector. It is stated that his name was not included in the list though a number of his juniors were included. This DA has been directed against his non-inclusion and it has been prayed that he may be promoted to the post of

10

Inspector with retrospective effect from 23.4.74 when persons junior to him were promoted based on the promotion list 'F' dated 31.8.73. Consequential benefits have been claimed.

2. The main arguments advanced by the learned counsel for the applicant were based on the following backgrounds:

It was stated that like the applicant there were a not number of others similarly placed whose names were initially included in the relevant promotion list 'F'. However, their names were subsequently inter-polated retrospectively.

These instances have given rise to the grounds, as under:-

- (i) The case of the applicant is exactly the same as that of eight persons whose appeals were allowed by President of India/Ministry of Home Affairs.
- (ii) His case is identical to the case of Sh. Ranbir Singh whose original application was allowed by this Tribunal in its order dated 22.12.86.
- (iii) The case of Sh. R.D. Mittal whose appeal has been allowed by the Lt. Governor, Union Territory of Delhi by its order dated 26.9.90 is same to that of the applicant.

3. At the outset the learned counsel for the respondents opposed the application on limitation and stated that at the time of admission the respondents were not in the picture and the admission had been granted after hearing only the applicant.

4. Regarding the grounds as stated above the applicant had submitted a representation to the Commissioner of Police on 16.12.80 (pages 50-55 of the OA), followed by reminders. In the meantime, this Bench of the Tribunal had allowed the case of one Sh. Ranbir Singh by its order dated 22.12.86. This order was passed in Civil Writ Petition No.209/74 initially filed in the High Court of Delhi. The applicant referred to this order in his later representation to the Lt. Governor, Delhi,

(b)

dated 7.9.87 (pages 58-71 of the OA). This representation of 7.9.87 was replied by the Deputy Commissioner of Police in his letter dated 24.9.87 asking the applicant to give his reasons for the abnormal delay and for his directly sending an advance copy to the Lt. Governor. On 20.10.87 the applicant put forth his reasons, as called for. There has been no further communication from the Commissioner of Police or the Lt. Governor.

5. From the above we note that the applicant had been representing his case in fits and starts. His non-inclusion in promotion list 'F' occurred in the year 1973 and he should have submitted his representation immediately thereafter. In the OA he has only endorsed copies of representations of 1980 and 1987 and claims that the representation of 1987 was acted upon by the Department by its letter dated 7.9.87 (already referred to by us). By this letter of 7.9.87 the applicant was asked to furnish certain information which has been submitted by him on 20.10.87. It is admitted that after that there has been no further communication from the respondents. Still ^{the} applicant ^{has} chosen to knock the doors of this Tribunal only in the month of November, 1990. Even assuming for the purpose of this OA that some cause of action arose by way of the letter of the respondents dated 24.9.87, the applicant should have approached this Tribunal within 18 months from replying to the queries of the respondents by way of his further letter dated 20.10.87. Thus we hold that there has been undue delay on the part of the applicant in approaching this Tribunal.

6. It was then argued that in addition to submitting representations to the department/Lt. Governor, Delhi the applicant had submitted petitions to the President, dated 18.10.88 and 16.12.88. He has called these petitions as review petitions under rule 29(a)

of the CCS & CCA rules. It is admitted that there has been no response to these petitions.

7. We have to note that repeated representations or memorial to the President can not extend limitation. It has been observed by their Lordships of the Supreme Court in S.S. Rathore Vs. State of M.P. (AIR 1990 SC 10) as under:

"Cause of action shall be taken to arise on the date of the order of the higher authority disposing of the appeal or representation. Where no such order is made within six months after making such appeal or representation, the cause of action would arise from the date of expiry of six months. Repeated unsuccessful representations not provided by law do not enlarge the period of limitation. It was further held that repeated representations and memorials to the President, etc. do not extend limitation".

8. It has been mentioned that the case of one Shri R.D. Mittal has been favourably considered. On this account, limitation can not get extended. Even where a court allows a case in favour of an employee, others can not claim that a new cause of action has arisen. It has been held in Bhoop Singh Vs. UOI (JT 1992(3) SC 322) - "The judgement and orders of the court in other cases do not give cause of action. The cause of action has to be reckoned from the actual date."

9. In view of the above the application is liable to be dismissed on grounds of limitation. Hence, we do not find it necessary to go into other aspects of the case.

10. Accordingly, the OA is dismissed. This does not preclude the respondents from considering the case of the applicant on their own, if they so choose. There shall be no order as to costs.

P.T. Thiruvengadam
(P.T. Thiruvengadam)
Member(A)

S.C. Mathur
(S.C. Mathur)
Chairman

/ravi/