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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 333/90

Date of decision: 24.07.1990.

Shri N.K. Garg

....Applicant

Vs.

Union of India & Others

....Respondents

For the Applicant

....In person

For the Respondents

....None

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. P. SRINIVASAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment? YB
2. To be referred to the Reporters or not? No

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P. Srinivasan, Administrative Member)

This application has been listed today before us for admission. The applicant appears in person. The respondents to whom notices have been issued are not present. We have, however, heard the applicant and we proceed to dispose of the application at this stage itself.

2. The grievance of the applicant is that though he was appointed as L.D.C. in the office of the C.F.W.D. in 1968 and has passed the qualifying examination for promotion to the post of UDC in 1974, he had been promoted as UDC only in February, 1982, while his juniors in the grade of LDC were promoted in 1976 and 1977. The applicant pleads that though his claim relates to the year 1976, he came to know that his juniors were promoted in 1974, only in 1983 when he came on transfer from Calcutta to Delhi. He was actually promoted as UDC in February, 1982 and posted in Delhi. Thereafter, he was

P. Srinivasan

promoted as Junior Hindi Translator in May, 1985 and posted to Calcutta. He remained in Calcutta from 1983 to February, 1988, when he was transferred back to Delhi. He submits that the seniority list of LDCs was not communicated to him while he was in Calcutta nor was he aware that this juniors had been promoted as UDC in 1976. That is why, he could not take up the matter before 1988. He made a representation to the authorities on 19.4.1988 claiming retrospective promotion from the date his juniors were promoted. His representation was rejected by the respondents on 5.4.1989 on the ground that he had not been made quasi-permanent as LDC in 1976 and so he could not be considered for promotion to the post of UDC at that time. He submits that in view of this reply, which he received as late as in April, 1989, his application should be treated as in time and admitted for adjudication. The applicant also states that he sought voluntary retirement and retired from service with effect from 4.10.1989.

3. After hearing the applicant, we are of the view that the cause of action in this case is too stale to be admitted for adjudication at this stage, particularly when the applicant has also left the Government service. Merely because the applicant made a representation, as late as in 1988 and the same was rejected in 1989, the cause of action cannot be said to have been kept alive till 1989. A person who wants to vindicate his right, has to act diligently and has to take remedial steps early

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and not 14 years latter, as in this case. We cannot at this stage roll back the events that have happened in the intervening period and unsettle the settled order of things. We are, therefore, of the opinion that this is not a fit case for adjudication by us.

4. In view of the above, the application is rejected at the stage of admission itself on the ground that the cause of action arose prior to 1.11.1982 and this Tribunal has no jurisdiction to entertain in the matter.

There will be no order as to costs.

P. Srinivasan
24/7/80
(P. SRINIVASAN)
MEMBER (A)

P.K. Kartha
24/7/80
(P.K. KARTHA)
VICE CHAIRMAN (J)