

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(31)

O.A./T.A. No. 382/91 /19

Decided on: 5-8-96

Dr. Pyare Lal

..... APPLICANT(S)

(By Shri D.S. Mahendru Advocate)

VERSUS

U.O.I.

..... RESPONDENTS

(By Shri matl Raj Kumari Chopra Advocate)

CO RAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~SHRI/XXX~~/ DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal ? No

S.R. Adige
(S.R. ADIGE)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,

O.A.No.382/91

New Delhi: this the 5th day of August, 1991

HON'BLE MR.S.R.ADIGE, MEMBER (A).

HON'BLE DR.A.VEDAVALLI, MEMBER (J).

Dr. Pyare Lal,
s/o Shri Kishore Chand,
working as Chief Medical Officer,
North Zone, Delhi Administration,
R/o 8G, Kamla Nagar,
Delhi

.....Applicant.

By Advocate: Shri D.S.Mahendru.

Versus

Union of India
through

Secretary,
Ministry of Health and Family Welfare,
Nirman Bhavan,
New Delhi.

.....Respondents.

By Advocate: Mrs. Raj Kumari Chopra.

JUDGMENT

BY HON'BLE MR.S.R.ADIGE, MEMBER (A).

Heard.

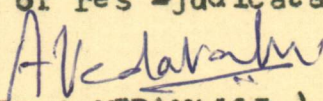
2. The applicant is seeking quashing of the DIC's findings dated 7.7.83 vis-a-vis himself and for constitution of a review DIC to consider his case for promotion to the post of CMO with effect from the date his juniors were promoted to that post without taking into account the adverse remarks for the years 1979 and 1980 against which his representations were still alleged to be pending.

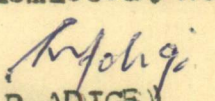
3. The OA was itself filed on 22.1.91 and is therefore grossly time barred and hit by limitation under sec.21 A.T.Act. Shri Mahendru contended that the cause of action must be deemed

to take effect from the date of disposal of his representation against his adverse remarks by letter dated 21.6.91 (Annexure-RIII) and in that view the application is not at all hit by limitation, having in fact been filed before that date, but this contention is wholly without merit. The applicant is seeking relief against his non-promotion as a result of DFC's recommendations dated 7.7.83 and manifestly his cause of action arises from that date, making this OA barred by limitation, particularly in the absence of any good ground explaining the delay or prayer for condoning it. Hence the rulings cited by Shri Mahendru including 1990 (14)ATC 123; ATJ 1994(1) 565; AIR 1979 SC 1622; and ATJ 1994 (1) 356 are of no help to the applicant.

4. Furthermore we notice that the applicant had made a similar prayer for promotion as CMO in OA No.802/86 which was disposed of by judgment dated 24.8.90 (Annexure-8) wherein the Tribunal had dismissed the OA noting therein that the DFC in its meeting dated 7.7.83 had considered the applicant's case but he had been found not yet fit for promotion on the basis of his service record, and hence he had been superceded. This OA is therefore squarely barred by the principles of resjudicata.

5. Thus both on grounds of limitation as well as of res-judicata this OA is dismissed. No costs.


(DR.A.VEDAVALLI)
MEMBER (J)


(S.R.ADIGE)
MEMBER (A).