

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A. NO. 622 of 1991

New Delhi this the 2nd day of March, 1995

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER(A)

Shri P. P. Bhatnagar
S/O Shri H. P. Bhatnagar,
Supdt. (Admn.), Gr.-I,
Aryabhatt Polytechnic,
G. T. Karnal Road, Delhi.

... Applicant

(None for the Applicant)

Versus

1. State (Delhi Admn.
through Chief Secretary),
5-Shamnath Marg, Delhi-54.

2. Secretary (Services),
Delhi Administration,
5-Shamnath Marg, Delhi-54.

3. Commissioner (Industries),
Dte. of Industries,
Delhi Administration,
C.P.O. Building, Kashmere
Gate, Delhi - 110006.

... Respondents

(By Mrs. Avnish Ahlawat, Advocate)

O R D E R (ORAL)

Shri Justice S. C. Mathur —

The applicant has through the instant application disputed the assignment of seniority to him in Grade III of the Delhi Administration Subordinate Service.

2. No one appeared on behalf of the applicant even on second call. On behalf of the respondents, Mrs. Avnish Ahlawat appeared. She took us through the record and advanced arguments.

3. It appears that the applicant was appointed in the Industries Department as Block Level Extension Officer on 24.9.1964 in the pay scale of Rs.168-300.

The Delhi Administration Subordinate Service Cadre was created with effect from 10.2.1967, after the joining by the applicant on the post of Block Level Extension Officer. On initial formation, the Subordinate Service had separate executive and ministerial cadres. These cadres were subsequently amalgamated and after amalgamation a seniority list was issued in the year 1985. The applicant was aggrieved by this seniority list and he filed Original Application No. 940/89. His challenge failed and by judgment and order dated 20.10.1989, the Original Application was dismissed. In the year 1989, a combined seniority list has been issued which is now the subject matter of challenge by the applicant.

4. On behalf of the respondents, it has been submitted that 1989 seniority list has been prepared on the basis of the seniority reflected in the list prepared in the year 1985. It is pressed that since the applicant's challenge against 1985 list failed, the present challenge against 1989 list is bound to fail. The plea of limitation has also been raised on behalf of the respondents.

5. We find substance in both the submissions of the learned counsel. Nothing fresh appears to have taken place to alter the position of seniority except publication of the 1989 list. If the 1985 list was correct, no flaw ~~can be~~ ⁺ ⁺ can be found in the list of 1989. The list of 1985 has already been found to be correct in respect of the applicant. Accordingly, the challenge against the 1989 list is misconceived.

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6. The impugned list was published on 7.12.1989. The applicant does not claim to have filed any representation against this list. He straightway approached the Tribunal through the instant application which was filed on 12.2.1991. The period of limitation for approaching the Tribunal is one year from the date of accrual of the cause of action. Computing this period from 7.12.1989, it expired on 7.12.1990. The application in the Tribunal after removal of objections was filed on 12.2.1991, beyond the prescribed period of limitation.

7. In view of the above, the application is dismissed but without any order as to costs, as no one appeared on behalf of the applicant. Interim order, if any operating, shall stand discharged.

P. J. D.

(P. T. Thiruvengadam)
Member (A)

S. C. Mathur

(S. C. Mathur)
Chairman

/as/