

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA 914/91

Date of decision: 04.05.1992

Shri Suraj Pal Singh

...Applicant

Vs.

Lt. Governor of Delhi and Others

...Respondents

For the Applicant

...Shri S.K. Bisaria, Counsel

For the Respondents

...Shri M.K. Sharma, Counsel

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

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

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,
Vice Chairman(J))

The applicant, who has worked as Sub Inspector in the Delhi Police retired on attaining the age of superannuation on 31.12.1991. In this application filed by him before his retirement on 16.04.91, he has prayed that he should be declared senior to respondent Nos. 4 to 12 in the Confirmation List of Head Constable/AWO issued on 8.2.1971 for all consequential benefits including promotion.

2. We have gone through the records of the case carefully and have considered the rival contentions. The applicant was initially appointed as Constable in the Delhi Police in 1955 and was confirmed in 1960. He was selected for training in the Wireless Grade III Course by the respondents. He joined the course in July 1959 and completed the same in November, 1959. On 7.12.1967 he was promoted as Head Constable(Wireless) - Assistant Wireless

Operator(AWO) along with respondent Nos. 4 to 12. However, in the promotion order the name of the applicant was shown at S.No.5 while that of respondent Nos. 4 to 12 were shown from S.No. 25 onwards. Subsequently, on 8.2.1971, the respondents issued a list of confirmation of Head Constables/AWOS promoted vide order dated 7.12.1967. In the said list, the applicant had been shown at S.No. 39 while the respondent Nos. 4 to 12 had been shown at S.Nos. 28 to 36. Respondent Nos. 4 to 12 had been shown senior to him.

3. The applicant has submitted that respondent Nos. 4 to 12 completed the Communication Course Grade III in 1963-64 while he had completed the same in 1959. He joined the Police Force earlier than them. He has, therefore, contended that respondent Nos. 4 to 12 cannot be declared senior to him as Head Constables/AWOS.

4. Respondent Nos. 4 to 12 were promoted as Assistant Sub Inspectors(Operator) in 1973 while the applicant was so promoted in 1977. Thereafter, respondent Nos. 4 to 12 were promoted as Sub Inspectors in 1976 while the applicant was promoted in 1988. The applicant has called in question his supersession in the cadre of Head Constable/AWO.

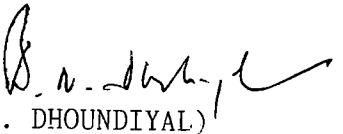
5. The representation made by the applicant to the respondents on 7.12.1988 was rejected on 18.1.1989. He submitted another representation on 19.06.1990 and that too was rejected on 15.2.1991.

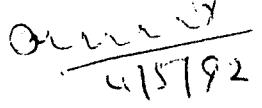
6. The applicant has relied upon the judgment of this Tribunal in TA-186/85 which was disposed of by judgment dated 8.7.1987. He is praying that the benefit of the said judgment be also extended to him.

7. In our opinion, the first representation made by the applicant on 7.12.1988 was after more than one year from the date of the judgment dated 8.7.1987. The petitioner in TA 186/85 was

promoted on 22.03.1988 whereas the present application was filed by the applicant only on 16.04.1991. There is satisfactory explanation for filing the present application belatedly. In our opinion, the application is barred by limitation and the applicant is, therefore, not entitled to the relief sought by him in the present application, in view of the provisions of Section 21 of the Administrative Tribunals Act, 1985.

The application is, therefore, dismissed. There will be no order as to costs.


(B.N. DHOUDIYAL)
MEMBER (A)
04.05.1992


(P.K. KARTHA)
VICE CHAIRMAN(J)
04.05.1992

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