

23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI  
\*\*\*

O.A.No.1134/91.

Date of decision 11/11/92

Shri Gautam Dev ... Applicant

V/s

Union of India ... Respondents  
and Another.

CORAM:

Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J)

Hon'ble Mr. I.P. Gupta, Member (A)

For the Applicant ... Shri B.B. Raval, Counsel

For the Respondents ... Shri M.L. Verma, Counsel

(1) Whether Reporters of local papers may be allowed  
to see the Judgement ?

(2) To be referred to the Reporter or not ?

J\_U\_D\_G\_E\_M\_E\_N\_T

Delivered by Hon'ble Shri I.P. Gupta, Member (A)7

In this application filed under Section 19  
of the Administrative Tribunals Act, 1985, the  
applicant has prayed for the following reliefs :-

(i) To direct the respondents to follow

the advice of the DP&T on the question

of seniority to be assigned to four persons

24

who came to BPR&D from C.F.S.I. Chandigarh, consequent upon taking over by the Government of India in 1978.

(ii) Consequent to relief at S.No. (i) i.e.

assigning the proper seniority in the light of the DOP&T advice, direct the Respondents to consider the applicant for empanelling him for the post of Section Officer as and when the D.P.C. is held for the purpose.

(iii) Direct the Respondents to regularise the applicant on the post of Assistant from the date he was officiating continuously without any break till date as per the settled law

2. The applicant was appointed as a Clerk in the Forensic Science Laboratory, Chandigarh on 21st September, 1968. Subsequently, he was appointed in a substantive capacity on the same post with effect from 21st September, 1970. The Forensic Science Laboratory, Chandigarh was taken over by the Government of India with effect from 1st July, 1978. The Government of India's payscales were applied to them with effect from 1st July, 1978. The applicant was working as a Senior Clerk in the scale of Rs. 510-800 with

effect from 1st January, 1978. The Government of India's letter dated 21st November, 1980 laid down the principle for revision of payscales of the posts in the Central Forensic Science Laboratory, Chandigarh with effect from 1st January, 1978 on the Punjab pattern and introduction of Central scales of pay with effect from 1st July, 1978. The equivalent of 510-800 was shown as Rs. 330-560 on the Central pattern. The pay was to be fixed with effect from 1st January, 1978 on the Punjab pattern and, thereafter from 1st July, 1978 on the Central scale. Option to elect revised scale was given. With the introduction of the Central scales from 1st July, 1978, the allowances such as Dearness Allowance, Additional Dearness Allowance, House Rent Allowance, City Compensatory Allowance etc. were made eligible to the employees of the said Laboratory with effect from 1st July, 1978.

3. The applicant, who had become a Senior Clerk from 1st January, 1978 in his parent organization of CFSL, was fitted in the BPR&D according to the principle of revision of payscales i.e. laid down

26

in the aforesaid letter of 21st November, 1980.

3. The relief as sought for re-fixing the seniority from 1st July, 1978 consequence upon take-over of the CFSL by the BPR&D is obviously barred by time and, therefore, limitation clause of the Administrative Tribunals Act, 1985 hits the prayer made for items (i) and (ii) of para 1 (para (ii) is consequent upon para (i) which relates to refixation of seniority from 1st July, 1978).

4. Further, the seniority list of UDCs was circulated on 6th July, 1988 and the applicant did not approach the Tribunal within the prescribed period under Section 21 of the Administrative Tribunals Act.

5. As regards the relief at item (iii) of para 1, it may be mentioned that the applicant was promoted on ad hoc basis as Assistant in the BPR&D from 31st December, 1985 (Annexure A-4). He was regularised against the post of Assistant by Order dated 14th August, 1989. This Order said that the applicant who was working as

Assistant on ad hoc basis was appointed to officiate as Assistant on regular basis with immediate effect. The names of five others were also included in the said Order of 14th August, 1989. The applicant represented against this Order on 27th September, 1989 (Annexure A-6) and he was informed on 8th October, 1989 that his promotion would have prospective effect even though the vacancy related to an earlier year. More than one year elapsed before filing of the O.A. after rejection of his representation by memorandum dated 18.10.1989. Therefore, the payer at (iii) is also hit by limitation clause. No doubt, the applicant made another representation on 28th May, 1990 but this representation will not protect him from the bar of limitation in Section 21 of the Administrative Tribunals Act, 1985 since successive representations do not give cause for any fresh action.

6. Thus the application is clearly a time barred one. Nevertheless, we have gone <sup>into</sup> ~~to~~ the <sup>pleadings</sup> ~~plea~~ to ascertain whether there is any discrimination done in

regard to regularisation of applicant from a prospective date to <sup>decide</sup> ~~ascertain~~ consideration of the case under Section 21(3) of the Administrative Tribunals Act, 1985. From the seniority list at Annexure A-8, we find that in the seniority list of UDC, those above him were regularised as Assistant even prior to the date of ad hoc appointment of the applicant as Assistant. The DPC proceedings produced by the respondents <sup>show</sup> ~~so~~ that Shri V. Satyanarayana was regularised by a DPC of 1981. Shri M.S. Verma, Shri Manmohan Singh and Shri C.V. Rao were regularised by DPC of 1982. The DPC of 1989 gave a consolidated select list of 11 officers and the applicant was at the top. In other words, even others who had been officiating as Assistant from 31.12.1985 were placed below the applicant and not above him.

7. We, therefore, do not find that there is ~~any~~ sufficient cause for <sup>consideration of</sup> ~~not making~~ the application <sup>barred by</sup> ~~in~~ time and for condoning the delay.

8. The application is, therefore, dismissed with no order as to costs.

*I. P. Gupta*  
I.P. Gupta  
Member (A) 11/11/92

*Ram Pal Singh*  
Ram Pal Singh  
Vice Chairman (J)