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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No. 1141/91

Date of decision 26-9-95

Hon'ble Shri N.V. Krishnan, Acting Chairman
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Baldev Singh Palta
s/o late Shri Rajinder Nath,
R/o B-2/1, P.S. Defence Colony,
New Delhi.

... Applicant

(None for the applicant)

Vs..

1. Union of India,
through Secretary, Govt. of India,
Ministry of Home Affairs, New Delhi.
2. The Lt. Governor of Delhi,
through the Chief Secretary,
Delhi Admn., Delhi.
3. The Commissioner of Police, Delhi
Delhi Police Headquarters, MSO Bldg.,
I.P. Estate, New Delhi.

... Respondents

(By Advocate Shri Amresh Mathur)

O R D E R (ORAL)

(Hon'ble Shri N.V. Krishnan, Acting Chairman)

The applicant an Inspector belong to the Delhi Police is aggrieved by the fact that his name was not included in the promotion list 'F' (Executive) w.e.f. 31.8.73 which resulted in granting promotion to the rank of Inspector to his juniors. He is also aggrieved by the fact that subsequently, his juniors were re-considered for inclusion in that list and given promotion and seniority. Accordingly, he has filed this OA seeking the following directions:-

- (i) That the name of the applicant be included in the promotion list 'F' (Executive) w.e.f. 31.8.73 and he be deemed to have been promoted as Inspector of Police from the date from which the juniors were so promoted;

- (ii) The applicant be further deemed to have been promoted as Asstt. Commissioner of Police Delhi from the date his juniors were so promoted as AC.P on the basis of the deemed seniority of promotion List 'F' (Executive) and promotion as Inspector of Police."

2. Respondents have filed reply denying this claim. It is stated that, in reality, the applicant is challenging the list 'F' prepared in 1973. It is further stated that the applicant's ^{case} was considered by the DPC in 1973, and he was not found fit for inclusion in the list 'F'. It is true that, subsequently, the case of certain officers as mentioned by the applicant were reviewed and they were included in the list 'F' of 1973. A similar review was made in respect of applicant also. He was however admitted to promotion list 'F' w.e.f. 12.5.1981. He was also promoted as Inspector (Executive) w.e.f. 26.10.1981. The applicant did not raise any grievance at that time. In the circumstances, respondents contend that the DA is barred by limitation..

3. We have carefully considered the matter. Admittedly, inclusion in the list 'F' is ^a pre-requisite for promotion as Inspector. If the applicant had any grievance against his non inclusion of his name in the promotion list 'F' in 1973, he should have agitated the matter at that point of time.

4. Likewise, if, as admitted by the respondents, the case of some other ^{Sub} Inspectors were subsequently reviewed and their name were included in the list 'F' of 1973 and the applicant's name was omitted, it was again open to him to challenge this action at that time i.e. 1979.

5. Finally, the applicant's name was included in the list 'F' only on 12.5.81 and he was promoted as Inspector (Executive) only on 26.10.1981. He could^{u have} had a grievance even then, when many of his juniors had been promoted earlier. Even then he remained quiet^u. Further, the applicant has failed to file any rejoinder to the reply filed by the respondents containing these averments. That would amount^{u to} admission of these submission.

6. We are of the view, that cause of action of the applicant^u had arisen long before Administrative Tribunal Act was enacted and at any rate, arose before 1.11.1982. In the circumstances, O.A. is beyond our jurisdiction in terms of section 21 of that Act and accordingly it is dismissed.

Lakshmi Swaminathan

(SMT LAKSHMI SWAMINATHAN)
MEMBER (J)

(N.V. Krishnan)
26/11/85

(N.V. KRISHNAN)
ACTING CHAIRMAN

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