

10

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No. 2011/92

New Delhi: this the 11th September, 1997.

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A)

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

V.K.Saigal,
S/o Shri K.G.Khatri,
R/o D-172/A, Lajpat Nagar,
New Delhi

Employed as:

Assistant Foreign Language Examiner
in the Research and Analysis Wing,
Cabinet Secretariat,
Govt. of India,

Room No.8B, South Block,
New Delhi - 11

... Applicant.

(By Advocate: Shri B.B.Raval)

Versus

Union of India
through

1. the Cabinet Secretary,
Govt. of India,
Rashtrapati Bhavan,
New Delhi - 1

2. The Secretary,
Research & Analysis Wing,
Cabinet Secretariat,
Govt. of India,
Room No.8B, South Block,
New Delhi - 11.

.... Respondents.

(By Advocate: Shri Madhav Panikar)

JUDGMENT

BY HON'BLE MR.S.R.ADIGE VICE CHAIRMAN (A)

Applicant impugns respondents' Memo dated 6.4.92 (Annexure-A) rejecting his representation and claims notional seniority as Field Officer (Language) redesignated as Interpreter with effect from June, 1979.

2. Applicant commenced service in RAW as a Dy.

F.O (Languages) redesignated as Asstt. Interpreter in Chinese language on 4.6.73. From there the next higher level is that of Interpreter, which is filled up by Direct Recruitment, Promotion, Deputation or re-employment, with fixed percentage. For promotion, 6 years' regular service as Asst. Interpreter is essential, which applicant could secure only on 3.6.79. Meanwhile on 11.9.78 respondents issued a Memo for holding written exam. and viva for making direct recruitment to the post of Interpreter. Applications were invited from eligible and qualified departmental candidates by 20.9.78. Admittedly applicant was eligible and qualified to appear in that written exam. and respondents admit that the said Memo was not sent to the Unit where applicant was at the time posted as a result of which he could not appear in the written exam. held in March, 1979 which he claims lost him two years' seniority as Interpreter, upon his eventual promotion as such in 1981.

3. Applicant filed a representation for promotion as Interpreter on 10.12.80 which was replied to on 7.2.81 (Annexure-A1). Applicant's cause of action therefore arose on 7.2.81 and is severely hit by limitation and outside this Tribunal's jurisdiction in terms of Section 21(2) (a) A.T. Act. No doubt he submitted several representations thereafter which were replied to on different dates, the last reply being the impugned Memo dated 6.4.92, but it is settled in S.S. Rathore Vs. State of M.P. 1989 (1) ATC 913 that repeated unsuccessful representations not provided by law do not enlarge the period of

limitation.

13

4. That apart, even if applicant was not able to appear for the written test held in March, 1979 for direct recruitment to the post of Interpreter because of respondents' acts of omission/commission, it does not necessarily follow that he would have been selected for appointment in competition with others to enable him to claim notional seniority retrospectively.

5. Applicants' counsel during the course of hearing also contended that applicant could have been promoted as Interpreter against a vacant post that became available in September, 1979 after he had acquired the eligibility qualification of six years' regular service as Asst. Interpreter, but there is no categorical assertion either in the OA or in the rejoinder of any vacancy of Interpreter in Chinese Language which could have been filled up in September, 1979 by promoting the applicant after the initiation of direct recruitment for filling up these posts on 11.9.78, particularly when there was no separate promotion quota.

6. In this connection, we notice that applicant was eventually promoted as Interpreter in 1981.

7. In the result the OA warrants no interference. It is dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER(J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)