

(7)

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

Date of Decision: 16.3.93

OA 2161/92

S.D. SHARMA

... APPLICANT.

Vs.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

HON'BLE SHRI J.P. SHARMA, MEMBER (J).  
HON'BLE SHRI S.R. ADIGE, MEMBER (A).

For the Applicant

... SHRI S.P. SHARMA.

For the Respondents

... SHRI NAIN SINGH, SI,  
dept. representative

J U D G E M E N T

(DELIVERED BY HON'BLE SHRI S.R. ADIGE, MEMBER (A).)

This is an application dated 11.7.92 filed by Shri S.D. Sharma, retired ASI (Police), for his confirmation as Head Constable w.e.f. 15.10.57 and his confirmation as ASI/SI and promotion to the rank of Inspector, ACP, DCP etc. in order of his seniority, from the date his next junior was promoted, together with all consequential monetary benefits.

The applicant states that he was enrolled in the Delhi Police as a Constable on 24.8.50 and was promoted as Head Constable w.e.f. 5.10.55, but was confirmed as such w.e.f. 15.7.69, although as per Police Rules he should have been confirmed on completion of two years as Head Constable. Thereafter, he was promoted as ASI w.e.f.

4.7.70, but was reverted w.e.f. 1.8.73 and sent for Intermediate course, on completion of which he was again promoted as ASI w.e.f. 26.12.73, but was confirmed only on 3.11.76, although he should have been confirmed within the statutory period of two years. It appears that the applicant was, thereafter, convicted in a criminal case under Section 325, 221 and 217 IPC on 31.5.83 by the Metropolitan Magistrate Shahdara and his appeal before the Addl. Sessions Judge Shahdara was dismissed on 15.3.84 but he was acquitted by the Delhi High Court on 31.7.90. Meanwhile, after dismissal of his appeal, the applicant's services were terminated w.e.f. 6.2.85, but he was ultimately reinstated on 19.3.91 from the date of termination. Meanwhile, the applicant retired from service. He has admitted that after reinstatement, his full pay and allowances have been paid to him but alleges that he has been denied seniority and promotion to the next higher rank as ASI/Inspector etc. The applicant states that his non-confirmation as Head Constable w.e.f. 5.10.57 after completion of two years service and delay in promotion/confirmation as ASI has caused him acute monetary loss as well as loss of status, apart from being against the law of natural justice, inasmuch as his juniors have been promoted in preference to him. In this connection, the applicant has also cited this Tribunal's order dated



6.9.92 in OA 1095/87 Kedar Nath Vs. UOI and claimed that his application is fully covered by the decision in that case.

We have heard Shri S.P. Sharma, learned counsel for the applicant.

It is well settled that u/s 21 A.T. Act, this Tribunal has jurisdiction to entertain only those applications where the cause of action arises within a period of three years immediately preceding the date of the Tribunal's inception. Thus, this Tribunal has jurisdiction to entertain only those applications where the cause of action arose on or after 1.11.82. In the instant case, the cause of action has arisen w.e.f. 5.10.57, i.e. from a date much beyond the jurisdiction of this Tribunal. It is also well settled that a judgement in a case, has no application in a matter where the cause of action is itself beyond the jurisdiction of this Tribunal.

Under the circumstances, the decision in Kedar Nath's case (supra) cannot be made applicable in the case before us.

As the cause of action arose on a date much beyond the jurisdiction of this Tribunal, this application is dismissed at the admission stage itself. No Costs.

*S.R. Adige*  
( S.R. ADIGE )  
MEMBER (A)

*J.P. Sharma*  
16.3.93  
( J.P. SHARMA )  
MEMBER (J)