

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

D.A. 2345/1992

DATE OF DECISION: 18.9.92

K.K.Madan

.. Applicant

vs.

The Union of India,
Ministry of Works & Housing,
Nirman Bhawan, New Delhi and
Others.

.. Respondents

For the Applicant

.. Shri K.P.Kapur,
Advocate

CORAM

THE HON'BLE MR.S.P.MUKERJI, VICE CHAIRMAN

THE HON'BLE MR.T.S.OBEROI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not?

JUDGMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application filed on 9th September, 1992
the applicant, ^{who is} working as Assistant Engineer in the Central
Public Works Department has prayed that his promotion
as Assistant Engineer should be antedated with pay and
allowances and his place in the Seniority List of Assistant
Engineers be corrected ^{to be} near about 176.

2. We have heard the arguments of the learned
for the applicant on admission and gone through the
documents carefully. The details of the applicant's
service as given in his representation at Annexure F6
is as follows:-

"1. Date of joining the Deptt. as J.E.	29.9.1956
2. Date of posting on Deputation to Govt. of Iraq	29.5.1974
3. Period of Deputation and date of return.	5 years 29.5.1979
4. Represented for promotion	21.11.1979
5. Date of promotion as A.E.	20.2.1981
6. Represented to D.G. for seniority 24.x.1986, 18.4.90, 18.4.91	18.4.91
7. -do- The Secretary 29.9.91, 31.x.91	28.6.91
8. Reply from D.G. (which is vague reply)	13.3.91 *

The applicant's contention is that persons junior to him in the grade of Junior Engineer have been promoted as Assistant Engineer in 1975 onwards, but the applicant was not considered as his service records for the period of his deputation from 29.5.74 to 28.5.79 to Iraq were not available. He was promoted as Assistant Engineer only in February, 1981 and he joined the post on 31.7.81. He has claimed that his promotion as Assistant Engineer should be antedated to 1975 and his seniority in the cadre of Assistant Engineer revised from Sl.No.974 to Sl.No.176.

3. From the communication of the Director General, C.P.W.D at Annexure-C it appears that the applicant "was considered for promotion alongwith other eligible officers by the duly constituted D.P.C. for the years 1975, 76, 77, 79, 80, 81 and 1982. No panel was prepared for the year 1978. Based on his service records, his name could be included in the panel prepared for the year 1982 only and accordingly he has been assigned

seniority number 974 ". By the impugned order dated 8th January 1991 his representation dated 26.9.91 was rejected. The applicant claims that the impugned order was issued on 8th January, 1992 instead of 8th January, 1991. Be that as it may, the fact remains that the applicant has in this application filed on 9th September 1992 challenged the promotions given to his juniors in 1975, ^{seeks promotion in 1975} and wants seniority refixed on that basis. The applicant has been representing intermittently in 1986, then in 1990 and then in 1991. His prayer is inordinately time-barred. In S.S.Rathore vs. State of M.P., Judgments Today 1989 (3) SC 530 a seven Member Bench of the Hon'ble Supreme Court observed that repeated representations do not affect limitation. Even otherwise also, delayed representations against seniority have been frowned upon by the Courts. In P.S.Sadashivaswamy vs. State of Tamil Nadu, AIR 1974 SC 2271, the Hon'ble Supreme Court observed that delayed and stale cases in service matters need not be entertained as it unsettles settled matters. In Gyan Singh Mann vs. High Court of Punjab and Haryana, AIR 1980 SC 1894, it was observed that stale and delayed cases cannot be entertained on the ground that a number of representations were made and that delay cannot be overlooked merely because of successive representations. In S.S.Moghe vs. Union of India and Others, AIR 1981 SC 1495, the Supreme Court observed that promotions cannot be challenged ten to

eleven years later without satisfactory explanation.

4. In the above light we do not see any force in the application and dismiss the same under Section 19(3) of the Administrative Tribunals Act at the admission stage.

S. P. Mukerji
18.9.92

18/9/92 ✓
(T.S. OBEROI)
JUDICIAL MEMBER

(S.P. MUKERJI)
VICE CHAIRMAN

n.j.j