

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2516/92

New Delhi, this the 12th day of Nov., 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri N. Sahu, Member (A)

Shri M.V. Hariharan,
Senior PA, in the office of
the Controller of Defence Accounts,
(Headquarters), G.Block,
New Delhi.

...Applicant

(By Advocate: None present)

Vs.

Union of India through

1. Secretary,
Ministry of Defence,
Room No. 100,
South Block, New Delhi.
2. The Financial Adviser,
Ministry of Defence (Finance)
South Block, Room No. 113,
New Delhi.
3. The Controller General of Defence Accounts,
West Block - V, R.K. Puram,
New Delhi.
4. The Controller of Defence Accounts,
(Headquarters)
Room No. 2-B, G.Block,
New Delhi.
5. The Secretary,
Department of Personnel & Training,
North Block, New Delhi. ... Respondents

(By Advocate: Shri P.H. Ramchandani)

O R D E R
(Oral)

The petitioner in this case is seeking relief
of ante-dating his promotion as Senior Stenographer w.e.f.
1.2.1968 instead of 14.8.1968 and on the basis of the said

ante-dating, consequential revision of his seniority and promotion in the subsequent cadres are also being sought in this OA.

(9)

2. The petitioner himself has annexed an order at page 27 passed by the respondents on 31.1.1984 in which the petitioner's promotion was ante-dated by way of stepping up and his promotion was treated to be with effect from 14.8.1968 by the said order. The petitioner is again seeking further stepping up and resultant ante-dating of his promotion w.e.f. 1.2.1968 instead of 14.8.1968.

3. The petitioner is apparently seeking this relief on the basis of an order dated 8.8.1991 passed by this court in TA 1020/85 in the matter of Shri T.R. Sharma and this additional claim of further ante-dating the promotion by way of stepping up is being sought as the respondents had given further relief to Shri T.R. Sharma after the decision of this court in this transferred petition.

4. Counsel for the respondents Shri P.H. Ramchandani submitted that the present OA is awfully time barred and granting of an ante-dating promotion from August, 1968 to February, 1968 at this stage will only end up in doing more harm than good for everybody except the petitioner and in view of the fact that the petitioner is already superannuated, the claim of the petitioner merits dismissal on the ground of delay itself. It was also argued on behalf of the respondents that since the petitioner has already obtained the benefit of stepping up by an order dated 31.1.1984 on the basis of the promotion given to Shri T.R. Sharma and got his promotion anti-dated

w.e.f. 14.8.1968, further stepping up on the basis of the same person namely Shri T.R. Sharma's promotion cannot be granted and the same would not be in accordance with the Rules. To substantiate his arguments he has relied upon an OM of DOP&T dated 31.3.1984.

5. In view of this, we are of the opinion that no order can be passed at this stage and we find considerable force in the submission of the respondents that by granting relief as sought will have an effect of upsetting the seniority of the entire cadre which today is settled for more than two decades, and in view of the submission that the second stepping up is not in accordance with law, we dismiss this petition, leaving the parties to bear their own costs.

Naresh

(N.Sahu)
Member (A)

naresh


(Dr. Jose P. Verghese)
Vice-Chairman (J)