

Central Administrative Tribunal
Principal Bench: New Delhi

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OA No.2691/92 152/92

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New Delhi, this the 27th day of November, 1997

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

R.K. Ahuja s/o Paras Ram,
28/145, West Patel Nagar,
New Delhi.

..Petitioner

(By Advocate: Shri Ashish Kalia)

Vs.

Union of India through

1. The General Manager,
Northern Railway HQ,
Baroda House,
New Delhi.

2. The Chief Project Manager/OIS,
Northern Railway,
IRCA Building
New Delhi.

..Respondents

(By Advocate: Shri R.L. Dhawan)

O R D E R (ORAL)

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

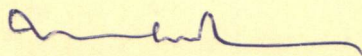
The relief sought in this OA is to hold a review D.P.C. of the regular DPC held in the year 1987. Two other persons who were promoted in pursuance to the said DPC have not been impleaded as party to this OA. The counsel for the respondents, after notice, stated that the DPC, held in the year 1987, was in accordance with the rules and the same may not be declared as illegal as the benefit out of the said DPC has already been given to one Mr. Nanda w.e.f. 29.1.1985. It was also stated that both the petitioner and Mr. Malik have already retired in the year 1989 and 1988 respectively and for the purpose of directing a review DPC at this moment, this court will have to declare the DPC held in the year 1987 as illegal which

in the circumstances we consider may not be appropriate especially because the representation filed by the petitioner immediately after the DPC has been duly replied to and, after due consideration the same was rejected by an order dated 13.7.1987; thereafter the petitioner approached this court only in the year 1992, and the same is not within the period of limitation prescribed under the law.

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In view of the fact that the petitioner has already superannuated in the year 1989 his claim of seniority over Mr. Nanda is not yet settled, the only order we can now pass is, relying on the good sense of the respondents, we direct them to reconsider the case of the petitioner on their own and in case an order is to be passed in favour of the petitioner, the same shall be communitied to the petitioner in due course.

With this, this OA is disposed of with no order as to costs.



(N. Sahu)
Member (A)

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