

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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O.A. NO. 304/1992

DATE OF DECISION : 14.8.92

Shri D.K. Ghosh

...Applicant

Vs.

Union of India & Anr.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri V.S.R. Krishna

For the Respondents

...Shri M.L. Verma

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

JUDGEMENT

The applicant is working as Assistant Information Officer, Press Information Bureau. The applicant in this application has assailed the rejection of his representation by the order dt. 14.8.1991 and claims the relief that the said order be quashed and the respondents be directed to send the ACR of the applicant for the period 1984-87 to Reviewing Officer, Shri R.P. Sharma, the then I.G., P.S. West Bengal in the light of the commendation letter dt. 6.2.1985 (Annexure A2).

2. The respondents contested the application and took the preliminary objection that the application is misconceived

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and is not maintainable in law. No cause of action has accrued in favour of the applicant against the respondents. It is further stated that the application is barred by limitation as the applicant wants the review of the ACR of 1984-87 in the present application, filed on 4.2.1992.

3. I have considered the matter on the point of limitation and do find that in view of the ratio laid down in S.S. Rathore Vs. State of Madhya Pradesh, AIR 1990 SC p-10, the applicant could not file this stale claim after the lapse of four to five years. Section 21(1) of the Administrative Tribunals Act, 1985 lays down the limitation for assailing any grievance. The applicant cannot himself create a new cause of action by making a belated representation and obtaining an order on that and then assailing an old matter which could not have been otherwise assailed under Section 19 of the Administrative Tribunals Act, 1985.

4. However, since the pleadings are complete, the applicant has also been heard on merit. On merit too, the applicant has no case. The applicant wants that

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the annual remarks given to him for the year 1984-87 do not reflect the correct and true picture. The case of the applicant is that the record of service of applicant is through out 'Very Good' and his services have been appreciated by his superior officers and he was selected on the basis of the service record on the post of Public Relations Officer, Border Security Force on deputation Basis. He was posted in Calcutta for three years from February, 1984 to February, 1987. The applicant aspires to get outstanding for entries for those relevant years or at least Very Good entries in these annual remarks. Firstly, the Border Security Force does not come within the jurisdiction of this Tribunal and no direction can be issued unless and until that body is respondent before this Tribunal as the ACR of that particular year relates to the period when the applicant was on deputation to BSF. The contention of the applicant is that the Reporting Officer was looking after intelligence work whereas the officer reported upon was Public Relations Officer. It is not for the employee to judge as to who should be the reporting officer and he cannot enter into self praise of self assessment presuming the award of

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outstanding entries aspired by him. Once the entries are given, they are final for all purposes and the applicant aggrieved has a right of appeal as an order under Section 23 of the CCS(CCA) Rules, 1965. Instead of that, the applicant filed this application in 1992 when Shri R.P. Sharma has no concern with the affairs of BSF and is posted now in the regular line of IPS. Shri R.P. Sharma is now posted as Director General of Police, Madhya Pradesh, Bhopal. The basis of this prayer by the applicant is that Shri R.P. Sharma is said to have given a remark on 6.2.1985. This remark of 6.2.1985 is only an appreciation of some work. It only says for a particular event of coverage on press conference. during the visit of the said officer.

5. The impugned order dt. 14.8.1991, therefore, does not suffer from any infirmity to call for interference on merit also.

6. The present application, therefore, is hopelessly barred by time and also devoid of merit and is dismissed leaving the parties to bear their own costs.

J. P. Sharma
14.8.92
(J.P. SHARMA)
MEMBER (J)