

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA No. 1228/93

New Delhi this the 2nd day of December, 1998

Hon'ble Shri Ratan Prakash, Member (J)  
Hon'ble Shri N. Sahu, Member (A)

Sh. M.L. Maheshwari  
Son of Late Shri Munshi Lal Maheshwari  
R/o F-69, Gautam Nagar  
New Delhi

.....Applicant  
(By Advocate: None)

Versus

Union of India through

1. The Secretary,  
Ministry of Health  
& Family Welfare  
Nirman Bhavan  
New Delhi- 110 011.

2. The Secretary,  
Ministry of Personnel,  
Public Grievances  
and Pension,  
New Delhi.

3. The Director General of  
Health Service  
Nirman Bhavan  
New Delhi 110 011.

.... Respondents

(By Advocate: None)

ORDER (Oral)

By Hon'ble Shri Ratan Prakash, Member (J)

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunal Act, 1985 to seek a direction against the respondents to consider his case for promotion to the post of Inspector (Statistical) w.e.f. 1.11.75 and also that his seniority in the cadre of Investigator be fixed accordingly. He has further sought a direction that he be considered also for further appointment to the higher grade from the date his juniors were promoted and to

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give pay and allowances for the higher posts of Investigator and other posts; after his promotion w.e.f. 1.11.75 with all arrears and consequential benefits.

2. This OA was admitted on 4.6.93 but respondents have not filed any reply to the OA inspite of many opportunities.

3. Being a matter pending since 1993, we have gone through the pleadings of the applicant and examined the record.

4. The applicant's case is that at the time of filing of this application, he was the employee of the Directorate General of Health Services under the Ministry of Health and Family Welfare, although originally appointed under the Trachoma Control Pilot Project (TCPP). He was transferred to the Headquarters of the Directorate General of Health Services vide order dated 1.11.75 (Annexure A2) and was confirmed as Statistical Assistant in the Directorate General of Health Services. According to the applicant when he was nearing the age of superannuation on 31.7.90; a DPC was held on 3.5.90, and the applicant was selected for appointment to the post of Investigator (Statistical) and was appointed to this post vide order dated 1.6.90 (Annexure A-6). He asserts that he made a representation to claim his promotion w.e.f. 1.11.75. From perusal of the documents filed by the applicant; it is made out that though he submitted an application to the Directorate General Health Services on 8.12.88 for inclusion in his name of in the Statistical cadre

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but he did not sought only promotion from any specified date. The first representation which has been filed by him to advance his claim ~~for~~ promotion in the cadre of Investigator (Statistical) is dated 6.7.90 (Annexure A-7). It is, therefore, apparent that the applicant did not approach the concerned authorities within reasonable time. Further, he having accepted his promotion to the post of Investigator (Statistical) in consequence of his order of appointment dated 1.6.90, and acquiesced in, he cannot now be allowed to claim any promotion w.e.f. 1.11.75 i.e. after a period of more than 22 years.

5. In view of above, there is no merit in this OA. This OA is dismissed on merits as well as on the ground of limitation with no order as to costs.

Karan Singh

(N. Sahu)  
Member (A)

Ratan Parkash

(Ratan Parkash)  
Member (Jnnnnnn)

cc.