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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

O.A. No. 1631/93

Date of Decision: 20.10.93

Shri K.R. Sharma ... Petitioner
Vs

Union of India ... Respondents

Coram:

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

JUDGEMENT

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

Heard the learned counsel for the applicant on admission. The applicant is working as UDC in CPWD under the Directorate General of Works, C.P.W.D., Nirman Bhawan, New Delhi. He was initially appointed as LDC on 16.7.1969. He was served with a Memo of Chargesheet under CCS(CCA) Rules of 1965 dated 11.8.1975. The case of the applicant is that he became eligible for promotion to the post of UDC in the year 1978. A DPC was held and the name of the applicant was not in the panel of promotion to the grade of UDC. Those who were juniors to the applicant were promoted. Another DPC was held in 1980 and his name was not included in the panel. Again a DPC was held on 29.6.1981 and the name of the applicant was not included in the panel. The disciplinary enquiry against the applicant remained pending for 5 years and the proceedings were ultimately dropped by the letter dated 3.1.1981. The applicant has also filed another application O.A.No. 104/91 challenging his reversion from the post of Head Clerk where he was officiating since 20.6.1990 that original application was disposed of with the direction to the respondent to consider the case of the applicant for promotion on regular basis to the post of Head Clerk in a vacancy reserved for handicapped persons. In this application the relief claimed by the

applicant is for a direction to the respondents to consider him for promotion to the post of UDC by calling review DPC for the year 1978, 1980 and 1981.

we find that the claim of the applicant is totally barred by latches and delay. The disciplinary proceedings were dropped against the applicant for the year dated 3.1.1991. If the applicant has any grievance, he could have assailed the same at that time. The applicant in the meantime in 1990 has also filed OA 104/90 and at that time also the applicant did not assailed this grievance. The learned counsel for the applicant argued that the applicant was making representations and those were not replied. However, in view of ~~this~~ ^{The} decision of the Supreme Court in the case of SS Rathore Vs. State of MP AIR 1990 SC P 10, it has been held that repeated unsuccessful representations not provided by law did not enlarge the period of limitation. In case of State of Punjab Vs. Gurdev Singh 1991(4) SCC it was held by the Supreme Court that the party aggrieved by an order has to approach the court for relief of declaration within the prescribed period of limitations, Since after the expiry of the statutory time limit the court cannot give the relief sought for.

In view of the above facts and circumstances of the case, the application is dismissed at the admission stage itself as barred by time.


(B.K.Singh)
Member (A)


(J.P.Sharma)
Member (J)

20.10.93
(after lunch)

Mittal