

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2283/93

Wednesday this the 14th day of July, 1999

(8)

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. N. SAHU, ADMINISTRATIVE MEMBER

Tej Pal Singh
S/o Shri Samanta Singh aged 60 years
resident of 1270, Old Vijay Nagar,
Ghaziabad. U.P. .. Applicant

(By Advocate Mr. P.L. Mimroth)

Vs.

Union of India through the
Secretary,
Ministry of External Affairs,
South Block,
New Delhi. .. Respondents

(None for the respondent)

The application having been heard on 14.7.99, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who commenced his career on
1.10.1956 as a Lower Division Clerk in the Ministry of
External Affairs was placed in the panel at Sl.No.4 for
reserved vacancies for appointment to the post of Cipher
Assistant. As per the panel Annexure.R.1 of the 25
vacancies 22 were to be filled by general category and
three by reserved category. By appointment of 22 from the
general category and three from the reserved category,
the panel got lapsed and the applicant was not promoted.
The applicant was aggrieved by his non promotion has been
going on making representations. However, he did not
challenge his non promotion which occurred in the year

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1972. After his retirement he was served with a reply for one of his representations in which it was stated that the Prime Minister's Office was considered his grievances of harrassment and found that no injustice had been done to him. The applicant has after his retirement in the year 1993 filed this application praying that he may be directed to be appointed in the post of Cipher Assistant with consequential benefits from the year 1972 onwards summoning and examining the panel, reservation roster and other materials and papers on the allegation that the roster points were not properly utilised for appointment of persons belonging to the reserved category.

2. The respondents resist the claim of the applicant. They contend that the application is barred by limitation and for that reason the Tribunal have no jurisdiction. They also contend on merits that the case of the applicant that there were four vacancies reserved for Scheduled Castes in 1972 is not tenable.

3. Having given our anxious consideration to the facts and circumstances of the case emerging from the pleadings and the materials placed on record and from the submission of the learned counsel for the applicant we find that the applicant does not have either a legitimate grievance nor a subsisting grievance. If the applicant had a case that there were four vacancies for the reserved category he should have challenged the panel in which it was clearly said that vacancies for reserved category were only three and on appointment the panel would be scrapped. He did not do that and therefore after

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two decades he cannot be permitted to rake up that stale and forgone issue. If the applicant was aggrieved by his non-promotion and if a general category candidate was appointed in contravention of the rules, the applicant should have challenged that appointment at the appropriate time i.e., in the year 1972. In view of the provisions contained in Section 21 of the Administrative Tribunals Act this Tribunal lacks jurisdiction to go into the grievances beyond three years of the date of commencement of the Administrative Tribunals Act.

4. In the light of what is stated above, we do not find any merit in this application, which is dismissed leaving the parties to bear their costs.

Dated this the 14th day of July, 1999


N. SAHU
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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