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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 2581 of 1993

New Delhi, this the 19th day of July, 1999

Hon'ble Mr. Justice K.M. Agarwal, Chairman
Hon'ble Mr. N. Sahu, Member(Admnv)

Shri A.N. Dutta, son of Late B.B. Dutta,
Resident of 56, Sector III, Type IV,
Sadiq Nagar, New Delhi- 110 049 - APPLICANT

(By Advocate None)

Versus

1. Union of India Through: The Secretary, Ministry of Urban Development, Nirman Bhawan, New Delhi.
2. The Director General of Works, Central Public Works Department, Nirman Bhawan, New Delhi -RESPONDENTS

(By Advocate None)

O R D E R

By Mr. N. Sahu, Member(Admnv)

The applicant was appointed on 7.1.1963 as Junior Engineer (Elect) (in short 'JEE') in the Office of the Director General, CPWD, Nirman Bhawan. He claims to have fulfilled the eligibility condition and he was within the zone of consideration for the next higher post of Assistant Engineer (Elect.) (in short 'AEE') way back in the year 1973. The respondents in the years 1973, 1976, 1977 and 1979 held DPCs for promoting candidates to the next higher post of AEE. The applicant could not be included in the panel whereupon he made several representations, oral and written. Meanwhile a Limited Departmental Competitive Examination (in short 'LDCE') for the post of AEE was held by the respondents under the supervision of the UPSC. The applicant appeared and was selected on 28.12.1979 to the post of AEE. He

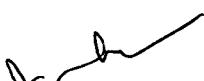
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states that his position in the seniority list was put at 265 by letter dated 25.4.1986 which is much below a large number of his juniors in the said list. He states that his position should have been at 170. Even by a letter dated 26.9.1989 respondent no.2 stated that there is no discrepancy with the seniority list of 1986 and that the seniority of the applicant needs no revision. There was supplementary seniority list dated 20.9.1991. The applicant is aggrieved by this seniority list and his representations were not answered. On the basis of the above facts the applicant claims the relief of promotion from the date his juniors have been given the higher grade superseding him.

2. Although counter has not been filed, we do not think that there is any merit in this OA. His promotion was legally done on 28.12.1979 when he passed the 1978 LDCE. He could not be empanelled in the years 1973, 1976, 1977 and 1979 for promotion against the 50% quota to be filled up on selection basis because of his inferior service record. He acquiesced in the results of the said DPCs before 1980 and he also acquiesced in the first seniority list in 1989 and, therefore, this OA is clearly barred by limitation and can be dismissed on this count alone.

3. We have also carefully considered the merits of the case. We are satisfied that there is no injustice done to the applicant. The respondents have considered his grievance and replied to him by a



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communication in the year 1989. The impugned seniority list is a consequence of the initial seniority list. This Court views with disfavour any puerile and stale attempt to disturb the seniority of a cadre which has settled. The OA is dismissed both on limitation and on merits.

JK

(K.M. Agarwal)
Chairman

Narayan Sahu

(N. Sahu)
Member (Admnv)

rkv.