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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

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OA.No.422 of 1993  
MA.No.662 of 1999

New Delhi, this 13th day of May, 1999.

HON'BLE SHRI S.R. ADIGE, VICE CHAIRMAN(A)  
HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER(J)

O.P. Aggarwal  
S/o Late Shri Jagan Nath Aggarwal  
R/o 3843-A/8 Kanheiya Nagar (Tri Nagar) ... Applicant  
Delhi-110035.

By Advocate: None.

versus

1. Union of India, through  
Defence Secretary  
Ministry of Defence  
South Block  
New Delhi-110011.

2. Chief of Naval Staff  
Naval Headquarters  
Ministry of Defence  
South Block  
New Delhi-110011.

3. Secretary  
Union Public Service Commission  
Shahjahan Road  
New Delhi-110011.

... Respondents

By Advocate: Shri P.H. Ramchandani

O R D E R (ORAL)

HON'BLE SHRI S.R. ADIGE, VC(A)

Applicant has impugned respondents' Memo dated 14/21-5-1992 (Annexure A-1) and O.M. dated 4.9.1992 (Annexure A-3) and seeks a direction to respondents to hold Review DPCs for the post of Senior Translation Officer and Editor-Translator held in earlier years and consider his name for promotion to the same.

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2. None appeared<sup>2</sup> for the applicant when the case was called out even on the second call. Shri P.H. Ramchandani appeared<sup>2</sup> for respondents. As this is a 1993 case which was fixed for hearing today with the agreement of both sides, on the clear understanding that no further adjournment would be granted, we are disposing it off after hearing Shri Ramchandani and perusing the materials on record.


3. In so far as promotion to the post of Senior Translator Officer is concerned, our attention has been invited to para-4.4 of respondents' reply wherein it has been stated that the Statutory Recruitment Rules prescribed for the post of Senior Translation Officer (Russian/English) which existed prior to 10.3.84 (Annexure R-1) did not provide any promotion clause for the post and, in the circumstances, the question of promoting applicant to the post of Senior Translation Officer (Russian/English) would have arisen only after revision of the Recruitment Rules on 23.2.1984 by which the promotion clause was introduced. There is no effective denial to this averment in the corresponding paragraph in applicant's rejoinder. Hence the applicant's claim to promote him as Senior Translation Officer (Russian/English) with retrospective effect fails.

4. In so far as applicant's prayer for promotion as Editor-Translator is concerned, our attention has been invited to the impugned order dated 14/21-5-1992

wherein it has been stated that applicant was not eligible for promotion on the recommendation of DPC held on 27.4.1985 as he was promoted as Senior Translation Officer only w.e.f. 10.10.1985 while the Recruitment Rules require eligible candidates to have five years regular service as Senior Translation Officer (Russian/English) or eight years combined regular service in the grade of Translation Officer/Senior Translation Officer. As applicant did not have any single day's service as Senior Translation Officer on the date when the DPC was held, i.e. 27.4.1985, he was rightly held by respondents as ineligible for consideration.

5. In this connection, applicant has himself stated towards the end of para 4.23 of the OA that Review DPCs should be held for promotions made in 1985 and 1991, but this OA has been filed as late as 6.10.1993. Respondents' counsel Shri P.H. Ramchandani has urged that this OA is hit by limitation, and this objection prima facie is also sustained.

6. In the circumstances, we see no reason to interfere in the OA. It is accordingly dismissed. No costs.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

  
(S.R. Adige)  
Vice Chairman(A)