

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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Regn. No. OA 512/1993

Date of decision: 10.09.1993

Shri L. M. Sharma

... Petitioner

Versus

Union of India & Others

... Respondents

For the Petitioner

.. Shri Gaj Raj Singh, Counsel

For the Respondents

.. Shri B. K. Aggarwal, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S. K. DHAON, VICE CHAIRMAN

THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

JUDGMENT (ORAL)

(of the Bench delivered by Hon'ble Mr. Justice
S. K. Dhaon, Vice-Chairman)

In the O. A., the reliefs claimed are as follows:-

(i) Quash Annexure-A.

(ii) Respondents may be directed to restore to the
petitioner to the post of Senior Ticket Collector.

(iii) Respondents may further be directed to fix the
petitioner's pay at more than 1290/- in the pay scale of
Rs. 1200-2040.

(iv) Respondents may be directed to maintain the
seniority of the petitioner as Senior Ticket Collector.

2. An application has been filed seeking the amendment
of the O. A. to the effect that he may be permitted to challenge
the legality of the order dated 4.1.1988, which according
to the petitioner, was received by him on 6.1.1989. The
further prayer is that the said order of 4.1.1988 may be
quashed. In the interest of justice, we allow the
amendment application.

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3. A true copy of the order dated 4.1.1988 is in the form of Annexure 'B' to the O.A. According to this letter, the petitioner accepted his reversion from grade Rs. 1200-2040 (RPS) to grade Rs. 950-1500 (RPS) and was reverted from the post of Senior Ticket Collector working under Station Master BUD to the post of a Junior T.C. grade Rs. 950-1500 (RPS) under S.M. Vithalwadi, against the existing vacancy.

4. Assuming that the petitioner received the said order of 4.1.1988 on 6.1.1989, a fact, which we are not prepared to believe, no explanation has been offered for the delay in challenging the legality of the said order. The petitioner has pointed out that way back on 17.10.1991, he for the first time, made a representation against the order of 4.1.1988. No explanation has been offered as to what the petitioner was actually doing between ~~4.1.1988~~ and 6.1.1989 and 17.10.91. The petitioner cannot be allowed to say that the period of limitation will start from the date of making of the representation viz. 17.10.1991. The petitioner is guilty of gross laches and, therefore, we do not permit him to challenge the legality of the order dated 4.1.1988. According to us, this petition is barred by limitation so far as that order is concerned.

5. The order dated 6.1.1989 indicates that the petitioner voluntarily sought an inter-divisional transfer from Bombay Division. That was allowed. Therefore, he (the petitioner) has been transferred from Bombay Division to the Delhi Division

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and he has been posted at New Delhi. Naturally, the petitioner
at
has been put the bottom of the seniority list of Delhi Division.
This is so because rules say so.

6. We find that no injustice has been caused to the
petitioner. There is no force in this application and the
same is dismissed. NO costs.

B.N. Dhoundiyal
(B. N. DHOUNDIYAL)
MEMBER (A)

10.09.1993

S.K. Dhaon
(S. K. DHAON)
VICE CHAIRMAN
10.09.1993

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