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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH ALLAHABAD

Original Application No. 470 of 1997
this the 14thday of May, 2002

HON'BLE MR. S. DAYAL, MEMBER(A)
HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Dina Nath Tripathi son of Late Sankathan Prasad Tripathi,
R/o Village & Post Office Malak Harihar, Phaphamau,
District Allahabad.

.....Applicant
By Advocate : Sri R.K.Awasthi.
Versus

1. Union of India through Secretary,
Ministry of Home Affairs, New Delhi.
2. Engineer-in-Chief, Army Headquarters, DHQ,
P.O. New Delhi.
3. Chief Engineer, Head Quarters Central
Command, Lucknow.

.....Respondents
By Advocate : Sri S.B. Singh for Sri R. Sharma.

ORDER (ORAL)
BY HON'BLE MR. S. DAYAL, MEMBER (A)

This O.A. has been filed seeking mandamus
to the respondents to grant notional promotion to the
applicant w.e.f. 1.5.1997, the date on which five rank
junior to the applicant was promoted to the post of O.S.
Gr. II in the department of MES. Direction is also sought
to the respondents to re-calculate the retiral benefits
of the applicant on the basis of notional promotion
of the applicant w.e.f. 1.5.97. Direction to the
respondents is also sought to decide the representation/

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appeal of the applicant.

2. The case of the applicant is that he was placed at Sl. No. 194 in All India and Sl. No. 60 in Command seniority. His higher post to which the applicant claims to have entitled as O.S. Gr. II. The applicant was given adverse remarks for the period 1994-95 i.e. from 1st April, 94 to 31st March, 95. The applicant claims to have made a representation/appeal, which was rejected by order dated 7.7.1995. The applicant claims that after receipt of the order of rejection, he filed a representation before the Engineer-in-Chief, Army Headquarters. The respondents took objection to his approaching Engineer-in-Chief directly without approaching the Chief Engineer of the Headquarters. The applicant claims that he had sent a copy to the appellate authority and submitted a appeal through proper channel. He was warned for having committed breach of decorum. The applicant has claimed that his case for promotion to the post of O.S. Gr. II was not considered because of an isolated entry against him.

3. The learned counsel for the Applicant was granted an opportunity on 26-4-2001 and 4.12.2001 to show that the O.A. was within time. He has not filed any supplementary affidavit to that effect till date. The learned counsel has sought adjournment on the ground of illness six times earlier including today.

4. We find that the cause of action arose in this case on 1.5.97. The present O.A. has been filed on

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12.4.2001. In para 3 of the O.A. the applicant has mentioned that the O.A. is within time. We find that the said declaration is wrong and that the application is grossly barred by limitation. We, therefore, dismiss the application. There shall be no order as to costs.

sd/- J.M. sd/- A.M.

Dhanmath Tripathi

True copy

D. Kumar