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OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

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Allahabad : Dated this 23rd day of January, 1996
Original Application No.1315 of 1988

District : Dehradun

CORAM:-

Hon'ble Mr. Justice B.C. Saksena, V.C.

Hon'ble Mr. S. Das Gupta, A.M.

SRI RAM TRIPATHI S/o Sri Ram Sunder Tripathi
Fireman Grade II
Resident of Fire Brigade,

Survey of India, Dehradun.

(Sri P.K. Asthana, Advocate)

..... Applicant

Versus

1. Director General of Survey of India,
Dehradun.

2. Deputy Director (Photo), Survey
of India, Dehradun.

(By Sri N.B. Singh, Advocate)

..... Respondents

ORDER (Oral)

By Hon'ble Mr. Justice B.C. Saksena, V.C.

We have heard learned counsel for the parties. The applicant in this OA has sought a direction to be issued to the respondents to promote him on the date when his juniors were promoted to the post of Fireman Grade-I. In Para 6(b), it has been indicated that in the year 1966 the applicant alongwith Ramesh Chand, Alam Singh and Basant Kumar, who were then Fireman Grade II, had appeared in departmental trade test for promotion to the next higher grade, namely, Fireman Grade I. In Para 6(c) of the application, the applicant has averred that in

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the Grade of Fireman Grade II, the Applicant was the senior most candidate who had cleared the test. In the counter affidavit it has not been denied that the applicant was senior to the said three persons whose names have been mentioned in Para 6(b) of the OA. Thus, the position that emerges is that when Ramesh Chand was promoted in the year 1967, the cause of action arose to the applicant. This OA was filed in the year 1988 after a lapse of more than 21 years.

2. The learned counsel for the applicant submitted that in the rejoinder affidavit the applicant in Para 7 has stated that his junior was promoted on 14-9-1987. The name of the junior has not been indicated. The learned counsel, therefore, submits that the applicant is confining the relief for seniority w.e.f. 14-9-1987, in the cadre of Fireman Grade I. In the rejoinder affidavit the applicant has also indicated that during the pendency of the OA, the applicant has been promoted, but neither the date of his promotion has been indicated nor a copy of the promotion order has been filed. The learned counsel for the applicant by order dated 21-8-1995 was given opportunity to file the order of promotion. The relevant clause has to be construed on the basis of averment in the OA and, therefore, as indicated hereinabove, the applicant's claim of promotion to Fireman Grade I is w.e.f. 1966. In view of the foregoing we are satisfied that the petition is highly belated. Since the OA is dismissed on this ground, we do not ~~enter~~ ^{propose to be} into the ~~interim relief~~ ^{disputed} question whether the post of Fireman Grade I is selection post as asserted by the respondents or only to be filled up on the basis of seniority subject to passing of the departmental test. The OA is dismissed. The parties shall bear their own costs.

Dube/

Member (A)

Vice Chairman

W.C.

B. Chakravarthy