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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 90 of 1988

Allahabad this the 20/5 day of Jan 1995

Hon'ble Mr. K. Muthukumar, Member (A)
Hon'ble Mr. Jasbir S. Dhalawal, Member (J)

Tej Ram Barthwal S/o Shri Maya Ram Barthwal, Technical Assistant Group 'D' (Genl.) Seed Testing Section Silva Brach, Forest Research Institute and Colleges New Forest, Dehradun - 248006

Applicant.
By Advocate Shri Lokendra Dobhal

Versus

1. Union of India through Secretary, Govt. of India, Ministry of Environment and Forests, C.G.O. Complex, Phase II, Lodhi Road, New Delhi-110003.
2. President, Forest Research Institute & Colleges, New Forest, Dehradun. - 248006.

Respondents.
By Advocate Shri N.B. Singh.

O R D E R

By Hon'ble Mr. Jasbir S. Dhalawal, Member (J)

The petitioner Shri Tej Ram Barthwal has come to this Tribunal having grievance that while working as a Peon w.e.f. 01.8.1950, he had been screened by a D.P.C. held on 26.6.1959 for his promotion to the post of Technical Assistant Grade III and despite having been selected by the said D.P.C., he was not appointed to the promotional post. He pleads that he made several representations during the period of 1959 to 1984 and last of his representation of 1984 is annexure A.1. He was informed by the Deputy

Registrar, Forest Research Institute and Colleges, New Forest, Dehradun vide office memo dated 04.12.84 that the D.P.C. recommendations made in 1959 were not implemented and were treated as cancelled. He has, thus, prayed that he should be given promotion and seniority w.e.f. 26.6.1959, the date on which his selection was made by the D.P.C. and should be paid the arrears of pay and other benefits from that date.

2. The respondents have not disputed the fact of petitioner working as a Peon when he alongwith 48 other candidates was screened by the D.P.C. held on 26.6.1959. They have admitted that he was selected by the D.P.C.. The recommendations of D.P.C. were not implemented as orders were received from the Ministry through letter dated 08.5.1959 giving instructions regarding mode of promotion. It had been decided by the Ministry that no recommendations should be called from the Branch Officers and no such recommendations were to be placed before the D.P.C. The D.P.C. was also not to interview the candidates for promotion to the post of Assistant Technical Grade III and that promotions were to be made of the eligible senior most candidates. As such, six senior most eligible candidates were promoted to that non-selection post after receiving recommendations of the D.P.C. on 01.1.61.

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The petitioner was not in that list as he was junior to them all. They have denied that juniors to petitioner were promoted to the post of Technical Assistant Grade III. Only one person was appointed to the post of Painter T.A.-III in Wood Anatomy Branch who qualified having special knowledge of painting etc.

3. After going through the pleadings and the record, it is apparent that the cause of action, if any, arose to the petitioner in the year 1959 when the D.P.C. was held and allegedly he was not given the promotion as per recommendation of the D.P.C. He claims that he has been making repeated representations since then. The law is settled that repeated representations do not extend the period of limitation available to a petitioner to approach the proper forum. As per his own admission, he was informed by the respondents in December, 1984 that the recommendations of D.P.C. held in June, 1959 were treated as cancelled. Counting from that date also, the petition is hopelessly time barred. Yet, we have considered it on merits also.

4. The selection By a D.P.C. gives no indefeasible right to a person to get appointment to the promotional post. In the present case, the D.P.C. held was infact by implication over-ruled

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by the letter of Ministry dated 08.5.1959 which laid down the guide lines regarding the process of promotion. It was directed that this being a non-selection post, promotion was to be done on the basis of seniority and eligibility. In that criteria, the petitioner did not fall. In any case, a person does not become entitled to promotion and consequential monetary benefits from the date of holding of D.P.C. and its recommendations. No discrimination against the petitioner has been shown as no junior to him is shown to have been promoted to the post of Technical Assistant Grade-III.

5. As a consequence of the foregoing discussions, we find no merit in the petition and the same is dismissed as such. However, there will be no order as to costs in the circumstances of this case.

/M.M./

J. M. A.
Member (J)

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Member (A)