

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. 198

~~Case No.~~

198 91

DATE OF DECISION 25-6-1991

Dr. R.K. Khola Petitioner

Party-in-Person Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. M. R. Raval for Mr. P. M. Raval Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh : Administrative Member

The Hon'ble Mr. R. C. Bhatt : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

Dr.R.K.Khola  
E-15, DOS Housing Colony,  
Vastrapur, Ahmedabad.  
(Party-in-person)

: Applicant

Versus

1. Union of India  
New Delhi.  
Through:  
Secretary, Deptt. of  
Space Application Centre,  
Antariksh Bhavan, New Bel Road,  
Bangalore-560 054.
2. The Director,  
Space Applications Centre, *Tatpary Telosa*.  
Ahmedabad. : Respondents

(Advocate: Mr.M.R.Raval for  
Mr. P.M.Raval)

ORAL ORDER

O.A. 198/91

Date: 25.6.1991

Per: Hon'ble Mr. M.M.Singh : Administrative Member

1. This Original Application under Section 19 of the Administrative Tribunals Act, 1985 has been filed by the applicant for following substantial reliefs:

- "(a) to direct the respondents to make necessary corrections in the SF-grade promotion office order so that it may have the language identical to that of seven other such orders.
- (b) to direct the respondent to expunge all the adverse entries from all my ACRs of 1980 to 1985 which have not been communicated to me.
- (c) to direct the respondent to give, at least, A gradings in all my ACRs of 1980 to 1985.
- (d) to declare the decision of the respondents of screening out the applicant in 1984 as illegal and quash and set aside the same. And to further direct to respondent to reconsider his case for promotion to SF-grade w.e.f. 1.1.1984.
- (e) Without any prejudice to what is stated in (d) above, to direct the respondents to implement my promotion to SF-grade w.e.f. 1.1.1985 with all the consequential benefits."

2. The first relief is sought because of difference between contents of page 12 which is the D.O. letter Prof.E.V.Chitnis, Director, Space Applications Centre,

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Ahmedabad wrote to the applicant and contents of page 13 addressed to Dr.C.V.S.Prakash. The difference is confined to.

"I wish you success in your future career and look forward to your participation in the activities of the Centre".

Written to applicant and

"I would like to take this opportunity to express my appreciation of your initiative and contribution to the programme of this Centre and look forward to your continued participation in the activities in which we are engaged."

Written to Dr.Prakash.

3. There is no reason why any legal notice should be taken of such expressions figuring in D.O. letters by which appreciation of the author has been conveyed though in different language to the two promotees. The difference between the expression has no basis for reading any difference in the service record assessment of the two promotees. The challenge is fanciful.

4. The second relief involves expunction of orders of adverse entries in ACRs. from 1982-85. Each adverse remarks has to be challenged in the prescribed manner within the prescribed time before the prescribed authority in accordance with the rules of the department and not in the vague manner stated in the relief. In any case, the ACRs for the period 1982-85 stated to contain adverse remarks have not been produced before us. The request is also time barred by provisions of Section 21 of the Administrative Tribunals Act, 1985 with regard to limitation.

5. With regard to relief 'C' it is based on ACRs for 1980-85. No such relief can be considered at this late juncture for the reasons stated above.

6. With regard to relief 'D', the relief sought against the screening done some time in 1984 is also barred by limitation.

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7. With regard to relief 'E' the cause of action seems to have arisen in 1985. The same cannot be agitated in application filed in 1991 and is barred by limitation.
8. The application is rejected for the above reasons.

*Resd*

(R.C.Bhatt)  
Judicial Member

*M M L*

(M.M.Singh)  
Administrative Member

a.a.b.