

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

M.A. 46 of 1996 ^A
(O.A. 240 of 1996)

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman
Hon'ble Mr. M.S. Mukherjee, Administrative Member

AJOY KR. DAS

-vs-

UNION OF INDIA & ORS.

For applicant : Mr. R.K. C. Thakur, counsel

For respondents: Mr. A.M. Roy, counsel

Heard on : 9.6.1997 - Order on : 16.6.1997

O R D E R


A.K. Chatterjee, VC

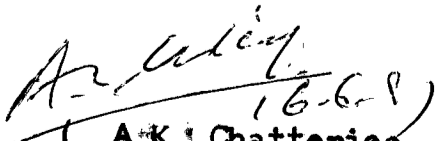
The petitioner, an officer of W.B.C.S.(Ex) was selected for promotion to I.A.S. by the Selection Committee in 1991 select list duly approved by the U.P.S.C. By a Notification dt.26.8.92, he was posted to an IAS cadre post in Nadia but as he was unable for personal reason to shift his residence from Calcutta, he was compelled to forego the promotion. He came to know subsequently that the representations of four other officers from the same select list were accepted regarding change of the place of posting and in such circumstances, he made further representation to consider his case afresh and post him in or around Calcutta treating his earlier letter forgoing the promotion as cancelled. The petitioner's case was considered afresh and he was informed by a letter dt.1.3.93 that he could be appointed to ^{an} IAS cadre post from 1991 select list, provided he does not claim seniority over ten junior officers already

promoted in 1992. He was asked to signify his consent by 3.3.93, which he did within time. The petitioner was ultimately selected for promotion in 1995 which he accepted and joined ^{an} IAS cadre post at Howrah on 16.10.95. However, by a letter dt.21/25.5.93, he was informed by the State Government that the Union Government did not accede to the recommendation for promotion of the petitioner from 1991 select list and the petitioner made further representation on 3.6.93 to which he was not favoured with any reply. In such situation, he contends that he has lost three years seniority in IAS cadre and the instant O.A. has been filed on 22.2.96 such that he may be treated as promoted to I.A.S. in 1993 from 1991 select list.

2. A Misc. Application has been filed simultaneously ^{with} ~~to~~ the O.A. for condonation of delay of little more than 14 months in filing the O.A. The ground for condonation as taken in the M.A. is that as the petitioner was busy in the construction of a flat, he was unable to spare any time or fund to file the application. The Ld. Counsel for the petitioner Mr. Thakur with his usual fairness has stated that he himself was shaky about the sustainability of the ground for condonation of delay. We are also unable to hold in the facts and circumstances of the present case, ^{that} on the ground taken by the petitioner, ~~that~~ the period of limitation can be extended by more than 14 months, particularly because there is nothing before us to show that other commitments of the petitioner were relegated to a position of lower priority. Filing an application in this Tribunal does not require either substantial fund or considerable time and therefore, the period of limitation cannot be stretched on such ground.

3. We, therefore, see no merit in the Misc. Application, which is rejected. The O.A. is also dismissed as time barred. No order is made as to costs.


(M.S. Mukherjee)
Member(A)


(A.K. Chatterjee)
Vice-Chairman