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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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Date of Order : 14.1.2002.

ORIGINAL APPLICATION NO. 197/1999

Dharshan Singh S/o Late Shri G.Singh, aged about 41 years, R/o MES, Key Personnel Quarters, GE Lalgarh Jattan, Distt. Sriganganagar, at present employed on the post of Electrician HS-II, in the office of G.E., MES, Lalgarh Jattan, Dist. Sriganganagar.

.....Applicant.

versus

1. Union of India through Secretary to Govt. of India, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Hqrs. Chief Engineer, Bathinda Zone, Bathinda, Mil. Station.
3. Commander Works Engineer, Sriganganagar Distt. Sriganganagar.
4. Shri Trivender Singh, Elect. H.S. I, Office of the MES, G.E., Sriganganagar.
5. Shri Ramesh Lal, Electrician HS-II, Office of the MES, GE ALP Area, Abohar - 152116.

.....Respondents.



CORAM

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Hon'ble Mr. Justice O.P.Garg, Vice Chairman
Hon'ble Mr. A.P.Nagrath, Administrative Member

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Mr. J.K.Kaushik, Counsel for the applicant.
Mr. S.K.Vyas, Counsel for the respondents No. 1 to 3 and 5.
Mr. Vijay Mehta, Counsel for the respondent No. 4.

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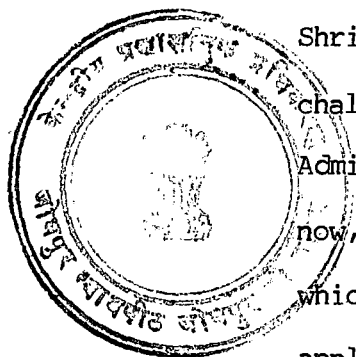
ORDER

Per Hon'ble Mr.A.P.Nagrath :

In this application the applicant has made letter dated 24.7.1998 (Annex.A/3), as the basis of his grievance and ^{is} seeking a direction to the respondents to decide the matter as referred to in the letter Annex.A/3 with further directions to consider his case for promotion to the post of Electrician H.S.-II and I as per his seniority with all consequential benefits.

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2. A careful reading of letter dated 24.7.1998 (Annex.A/3) at once reveals that this is an internal correspondence between the two offices of the department wherein the Commander Works Engineer, Sriganaganagar, has sought certain clarifications about the date of effect of promotion of one Shri Trivender Singh from Headquarters Chief Engineer, Bathinda Zone. This letter nowhere makes mention of the name of the applicant and we are not able to appreciate as to how the applicant has attempted to base his claim on this letter. This apart, no employee can make a grievance out of any internal correspondence of the department even though it may concern him directly, till such time a final order has been communicated to him. If the final order has been communicated and is adverse to an employee, the cause of action would arise. In this particular case, the applicant Dharshan Singh has not challenged any final order of the department which could be adverse to him. In case he felt aggrieved with the promotion of Shri Trivender Singh to H.S. Grade II and in H.S. Grade I, he should have challenged the same within the period of limitation as provided under the Administrative Tribunals Act, 1985. Apparently, he has not done so and now, he is attempting to take support through internal correspondence in which his name has not even been mentioned. The allegation of the applicant is that Shri Trivender Singh, was his junior but has been promoted to H.S. Grade II on 15.10.1984 and H.S. Grade I on 3.7.1986. We find from the documents placed on record that the letter promoting Shri Trivender Singh to H.S. Grade II w.e.f. 15.10.1984 was issued on 10.2.1996 (Annex.A/2) and he has been promoted to H.S. Grade I as per applicant's own averment on 3.7.1996. This application has been filed in 1999. Applicant has made an averment in para 3 of the application that the O.A. is within limitation period prescribed in section 21 of the Administrative Tribunals Act, 1985. We are afraid, this statement of the applicant is factually incorrect as Section 21 provides that an application has to be made within a period of one year from the date of the final order of which the applicant is aggrieved. These final orders are dated 10.2.1996 and 3.7.1996 and apparently this application, in so far as the applicant's claim relating to Shri Trivender Singh (respondent No. 4) is concerned, is

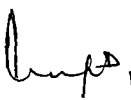


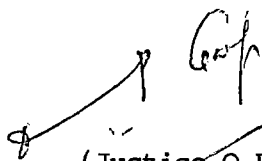
barred by limitation.

3. The applicant has also made Shri Ramesh Lal as a party respondent No. 5. He has not been able to clearly state in his prayer as to how he is aggrieved with the status of Shri Ramesh Lal. The only fact which we could cull^{out} from the averments in the O.A. are that the said Shri Ramesh Lal, appeared in a trade test for H.S. II held during the period 15.11.1990 to 17.11.1990 but was declared failed. Shri Ramesh Lal has been promoted to H.S. II w.e.f. 15.10.1984 vide order dated 10.2.1996. Here again, we would like to reiterate that the applicant has failed to challenge this order in respect of promotion of Shri Ramesh Lal within the limitation period prescribed under the Administrative Tribunals Act, 1985, if he felt aggrieved with the same.

4. The discussions in the preceeding paras clearly establish that the applicant has failed to agitate the matter within the time period prescribed for seeking recourse to legal remedy, ~~as provided~~ under Section 21 of the Administrative Tribunals Act, 1985. In view of this, we do not propose to go into the merits of the application in respect of the applicant's seniority vis-a-vis the private respondents. It has repeatedly been held by the Courts including the Hon'ble Supreme Court that matters of seniority should not be interfered with by the Courts/Tribunals after a lapse of time as this could result into unsettling the settled position. If the employee has slept over his own rights, he cannot be allowed to make a grievance at a belated stage.

5. We, therefore, dismiss this application as barred by limitation. No order as to costs.


(A.P. Nagrath)
Adm. Member


(Justice O.P. Garg)
Vice Chairman

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Received
JRCaus
Adv
18/11/2012

Part II and III destroyed
in my presence on 28-6-97
under the supervision of
section officer (1) as per
order dated 14-5-97
Section officer (Records)

2 Comm
18/11

my
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10.11