

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.552/2001

Tuesday this the 3rd day of July, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.T.Pius,

Executive Engineer (HQ)

Trivandrum Central Circle,

CPWD, Trivandrum.

..Applicant

(By Advocate Mr.K.Surendra Mohan).

V.

1. Union of India, represented by
the Secretary to the Government,
Ministry of Urban Development,
New Delhi.

2. The Director General of Works,
Central PWD, Nirman Bhavan,
New Delhi.

3. The Superintending Engineer,
Trivandrum Central Circle,
Central PWD, Vellayani PO,
Poomkulam,
Thiruvananthapuram.22.

..Respondents

(By Advocate Mr.

The application having been heard on 3.7.2001, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, who is an Executive Engineer,
Trivandrum Central Circle, CPWD, Trivandrum is aggrieved
that he was superseded in the matter of promotion by as
many as 127 juniors in the year 1995 and many of his
juniors have again been promoted before his promotion as
Executive Engineer in 1998. Finding that his juniors have
been promoted and he was left behind, the applicant made a

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representation on 2.4.96 (A.1) but he did not get any response thereto. While so, he was promoted as Executive Engineer by order dated 23.4.98. More than a year after his belated promotion as Executive Engineer, the applicant again submitted a representation on 20.5.99 seeking promotion with effect from the date on which his juniors were promoted (A.3). Finding no response he followed it up by another representation on 21.11.2000. As his grievance remained not redressed the applicant has filed this application seeking the following reliefs:

- (a) An order directing the respondents to grant promotion to the applicant as an Executive Engineer with effect from 22.11.1996, the date on which order No.278 was issued promoting his juniors as Executive Engineers above him and to restore his seniority to him;
- (b) An order directing the respondents to grant the applicant all arrears of salary and other consequential benefits to which he is entitled to by virtue of his promotion as an Executive Engineer with effect from 22.11.1996, including his pensionary benefits.
- (c) Any other further or consequential orders, as may be prayed for and deemed fit by this Hon'ble Tribunal; and
- (d) To allow this application with costs.

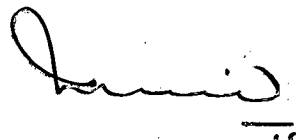
2. We have perused the application and the annexures appended thereto and have heard Shri Surendramohan learned counsel for the applicant and the Senior Central Government Standing Counsel appearing for the respondents. We find that the applicant does not have any subsisting legitimate grievance which calls for admission and further deliberation. If the applicant had been superseded in the matter of promotion in the year 1995 he should have agitated the matter then and there. He submitted a representation on 2.4.96 but he did not pursue the matter further. If his grievance was not redressed or if he was not given a reply to his representation for a period of

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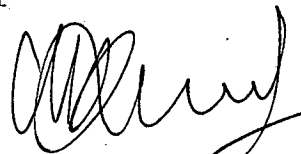
six months he should have approached the Tribunal before the expiry of a period of one year thereafter. He did not do that. The applicant was promoted as Executive Engineer by order dated 23.4.98 prospectively. He did not claim retrospective promotion with effect from the date of his alleged entitlement even thereafter immediately. It took more than a year for him to make one more representation on 20.5.99. Counting from 20.5.99 also, the applicant's claim has now become barred by limitation. As has been held by the Apex Court in SS Rathore Vs. State of Madhya Pradesh and others AIR 1990 SC 10 repeated unsuccessful representation will not enlarge the period of limitation. Even if the applicant had any claim for promotion with effect from 22.11.1996 the same has now become barred by delay and laches and the application cannot be entertained. Hence, we reject this application as time barred under Section 19(3) of the Administrative Tribunals Act.

Dated the 3rd day of July, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN
VICE CHAIRMAN

List of Annexures referred to in the order:

- A-1: Photostat true copy of applicant's representation dated 2.4.1996.
- A-3: Photostat true copy of applicant's representation dated 20.5.1999 to the 2nd respondent.