

(43/1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALAHABAD

CIRCUIT BENCH

LUCKNOW

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Regn. No. OA No. 9 of 1990      Date of decision: 21.5.1990

A.P. Chaturvedi      ....      Applicant.

Vs.

Union of India & Others      ....      Respondents.

PRESENT

Shri P.K. Sharma, counsel for the applicant.

CORAM

Hon'ble Sri B.C. Mathur, Vice-Chairman (A).

Hon'ble Sri D.K. Agrawal, Member (Judl.).

(Judgement of the Bench delivered by Hon.'ble  
Shri B.C. Mathur, Vice-Chairman)

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985, by Shri A.P. Chaturvedi, Chief Design Asstt., R.D.S.O., Ministry of Railways, Lucknow, against the impugned order No. S.P.O. No. 512/82 dated 20.12.1982 (Annexure 3 to the application) and ART/74 dated 2.11.83 (Annexure No. 5 to the application) passed by the D.G., R.D.S.O.

2. The case of the applicant is that his ad hoc promotion made by S.P.O. No. 509 of 1982 dated 19.12.1982 duly approved by the Asstt. Director was cancelled by Shri N. Ananthanarayan without assigning any reasons. The learned counsel for the applicant has filed an amendment application on the question of limitation. His case is that the cause of action took place in 1989 when he came across the noting by Shri P.R. Rao, Joint Director (Estt.) (Annexure A-10 to the application). In this noting it has been stated that Staff Posting Order No. 509 of 1982 may be withdrawn and treated as cancelled as the same has not been issued with the

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approval of the competent authority. Earlier, the applicant had been communicated <sup>in</sup> Staff Posting Order No. 512/82 (Annexure A-3 to the application) where Staff Posting Order No. 509 of 1982 was cancelled. In this order the applicant who was a Design Assistant in the scale of Rs 550-750 was promoted to officiate as Senior Design Assistant in the scale of Rs. 650-950 on ad hoc basis with effect from the date he had been asked to look after the duties of the higher post or from the date he took over charge of the higher post whichever was earlier. In November, 1983, through a memo (Annexure A-5 to the application), the applicant was informed on his representation that he could not claim ad hoc promotion as a matter of right and that it was for the administration to decide, if any ad hoc promotion was at all necessary against the vacancy. The applicant was informed that cancellation of ad hoc promotion ordered vide staff posting order No. 512 of 1982 was in the interest of administration and it was not obligatory for the administration to indicate reasons to the employees.

3. The learned counsel for the applicant stated that since the administration had cancelled the ad hoc promotion, it was not challenged at that time, but when the applicant found out that the real reason was not as given in Annexure A-5 but <sup>as</sup> in Annexure A-10 and, therefore <sup>for</sup> the limitation should start from December, 1989. It is noted that the applicant had retired on 31.1.1988 and did not file any appeal against the cancellation of his order till then. The order of ad hoc promotion and cancellation took place in 1982 and the applicant was not allowed to take over the senior position at any time. It was an ad hoc promotion and we are of the view that

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that after a person has superannuated, the question of ad hoc promotion six years earlier cannot be agitated at this stage. It is not very material <sup>now</sup> why the posting order was cancelled. If the applicant was aggrieved by the orders of the respondents in 1982 and 1983, the cause of action took place at that time and cannot be agitated before the Tribunal at this stage.

4. The knowledge of Annexure A-10 <sup>Ann - in December 1985</sup> does not provide any fresh ground under limitation. He should have approached the authorities <sup>for</sup> ~~for~~ relief in a court of law during 1983 itself when the cancellation order of his ad hoc promotion was issued in public interest. The application is clearly time barred and is dismissed summarily.

(D.K. Agrawal)  
Member (Judicial)

(B.C. Mathur)  
Vice-Chairman (A)