

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 907/97

DATE OF DECISION: 28.1.2002

Shri P.D. Parnar Applicant.

Advocate for
Applicant.

Verses

Union of India and others Respondents.

Shri V.S.Masurkar Advocate for
Respondents

CORAM

Hon'ble Shri S.L.Jain Member(J)

Hon'ble Smt. Shanta Shastri, Member (A)

(1) To be referred to the Reporter or not? No

(2) Whether it needs to be circulated to other Benches of the Tribunal? No

(3) Library. No

S.L.Jain
(S.L.Jain)
Member(J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO:907/97

MONDAY the 28th day of JANUARY 2002

CORAM: Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt. Shanta Shastri, Member (A)

Prabhatsinh Danyabhai Parmar
Residing at Vrundavan Park Society
P.O. Silvassa.

...Applicant

V/s

1. The Development Commissioner
Cum I.G.P. Administration of
Dadra & Nagar Haveli,
Secretariat, Silvassa.
2. The Administrator of UT of
Dadra & Nagar Haveli
Secretariat, Moti Daman
3. Union of India through
The Secretary, Ministry of
Home Affairs, Central Secretariat
North Block, New Delhi.

...Respondents.

By Advocate Shri V.S. Masurkar.

ORDER(ORAL)
{Per S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act 1985 for a direction to the respondents to consider the applicant as having been promoted to the post of Assistant Sub-Inspector and Police Sub-Inspector from the date his juniors were promoted alongwith arrears.

2. The applicant and his counsel are not present. We have decided to proceed under Rule 15 of CAT Procedure Rules 1987. We have heard the learned counsel for the Respondents.

:2:

3. The applicant claims that he was appointed on 18.6.1970 to the post of Unarmed Head Constable. The applicant claims that in the year 1990 his three colleagues have been promoted to the post of Assistant Sub-Inspector while the applicant was ignored. The respondents argued that in fact the DPC for promotion to the post of Assistant Sub-Inspector met on 19.7.1989. The applicant was considered in the said DPC and thereafter the persons selected were promoted.

4. On perusal of the record we find that the first representation of the applicant was dated 22.6.1993 (Annexure A3 page 19 of the OA). The grievance of the applicant relates to 1989. For the first time the applicant agitated the matter on 22.6.1993. Further it appears that after ^{sup promotion} promotion in 1989 his colleagues were ^{further} also promoted to the post of Police Sub-Inspector. Thereafter he preferred the representation dated 22.6.1993. In the said representation the applicant has requested that:

Therefore, I request your Honour that in view of the fact, that my case of promotion to the post of A.S.I. may kindly be considered with effect from 1990 at the time of my junior was promoted and I was debarred without any reason, and I may please also be promoted to the post of P.S.I. in view of justice.

This was the grievance raised by the applicant in respect of his two promotions (1) for the post of ASI and (2) for the post of PSI. The applicant has raised this grievance after about three years. Hence, the case of the applicant suffers from delay and laches.

M. J. -

5. Not only this is after preferring the said representation

the applicant slept over his rights and filed this OA on 16.9.1997. Thus the case of the applicant also barred by limitation as the OA is being filed after 1 1/2 years after preferring the representation referred to above.

6. The learned counsel for the respondents placed before us

the proceedings of the DPC meeting held on 19.7.1989. On perusal of the same it is clear that the post of ASI is a selection post, out of three posts in all, two for unarmed head constables amongst which one post was meant for SC which was converted to ST and one

unarmed head constable was considered and promoted. Remaining

one post was for Armed Head Constable. Best amongst the lot was

considered and promoted.

7. The grievance of the applicant was that there was no

Departmental enquiry pending against him but his case was kept in

sealed cover. It is true that his case was kept in sealed cover.

The learned counsel for the respondents brought to our notice

that on 19.2.1996 case of the applicant regarding departmental

proceedings was terminated and there after he was considered for

promotion and also promoted to the post of ASI vide order dated

31.12.1999 which is placed on record. As such, the grievance has

no merit.

8. The learned counsel for the respondents also brought to

our notice that the applicant retired in November 2000.

9. As stated above the claim of the applicant suffers from

delay and laches and also barred by limitation. Even on merits

the applicant has no case.

10. In the result the OA has no merit and is liable to be dismissed and is dismissed accordingly with no order as to costs.

Shanta J.

(Smt. Shanta Shastri)
Member (A)

Sign -
(S.L. Jain)
Member (J)

NS

dt. 28.1.2002
Order/Judgement despatched
to Applicant/Respondent (s)
on 15.2.2002.

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