

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

O.A.183 OF 1998

Dated this Tuesday the 4th day of June, 2002

Coram: Hon'ble Mr.B.N.Bahadur - Member (A)
Hon'ble S.L. Jain - Member (J)

Jit Singh,
Assistant Supervisor,
Military Farms, Pimpri, Pune
(By Advocate Shri R.C.Ravlani)

Versus

1. Union of India,
through the Secretary,
Ministry of Defence,
South Block, New Delhi.
2. The Quarter Master General,
Army Headquarters,
DHQ, PO New Delhi.
3. The Deputy Director General
Military Farms,
QMG's Branch, Army Headquarters,
West Block No.3, Wing No.7,
R.KPuram, New Delhi.
4. The Director of Military Farms,
HQ, Southern Command,
Khadki, Pune.
5. The Officer-in-charge,
Military Farms,
Pimpri, Pune.
(By Advocate Shri R.K.Shetty)

O R D E R

By Hon'ble Mr.B.N.Bahadur, Member (A) -

The applicant in this case comes up to the Tribunal seeking the relief as follows:-

- (1) direct the respondents to expunge the adverse remarks,
- (2) direct the respondents to constitute the fresh DPC/Review DPC, in view of (1) above,



- (3) direct the respondents to promote the applicant at par with his immediate junior if selected by DPC,
- (4) direct the respondents like pay fixation, arrears of pay etc. in pursuance of (3) above.
- (5) pass any other orders, as deemed necessary and proper in the interest of justice and equity.

2. The facts of the case as put forth by the applicant are that he had received good confidential reports all along except for the period between 22.12.1985 and 31.5.1986 for which period adverse remarks were given by Reporting Officer one Shri K.K.Kapoor, who the applicant avers, was biased and prejudiced towards him. The applicant represented against these adverse remarks, but avers that the rejection of his representation was arbitrary inasmuch as it was made through non-speaking order. Details of facts of his case and further career are indicated. During arguments in the case, the learned counsel for the Applicant reiterated the points taken in the OA. The dates given are relevant since at the first instance we found it important to examine the point relating to limitation, delay and laches. This is very relevant as can be seen from the dates of the events in the OA with reference to the date of filing of the OA which is 3.2.1998.

3. The respondents state that the appeal/representation against adverse entries in the confidential report were disposed



of and communicated to Applicant on 24.7.1987 (Annexure-A-8). The applicant was then removed from service w.e.f. 14.6.1989 till he was reinstated on 28.5.1994 in view of an order by the Principal Bench of this Tribunal reinstating the applicant with consequential benefits except backwages.

4. Be that as it may, we first examined the point relating to limitation, delay and laches. The learned counsel for the applicant took us over the facts of the case and disposal of the Misc.Petition filed for condonation of delay stating that as he was out of service, he could do nothing between June, 1989 and May, 1999 and after that also filed a fresh representation. The learned counsel for the respondents reiterated his argument to the effect that the application was badly hit by the law of limitation and suffered from the infirmity of delay and laches.

5. At the outset we find that no action was taken by the applicant for coming up to the Tribunal on the point of his grievance against adverse entries in the confidential report pertaining to the years 1985 - 86. In this connection, it must be noted that the very first relief sought seeks direction to the respondents to expunge adverse entries. Now for two years between July, 1987 and June, 1989 nothing is done by the applicant and this certainly constitutes delay. Worst still, even after his reinstatement (assuming for a minute he could do nothing till reinstatement), he does nothing again for the better part of four years.



6. We have carefully gone through the petition filed for condonation of delay and considered the arguments made by way of explaining the delay and are not at all impressed that these carry any weight. The applicant is severely hit by limitation and suffers from the malice of delay and laches in so far as relief at 8 (1) is concerned.

7. Now in regard to other substantial relief sought viz. that at Para 8 (2) of OA it is to be seen that it is directly linked to the adverse entries. What the applicant is asking is for a fresh DPC "in view of (1) above". Thus a direct cause and effect is indicated while asking for reliefs. It is obvious that this prayer is also badly hit by limitation, delay and laches. The other relief sought are consequential in nature and would not arise for our consideration in view of the above conclusions.

8. Holding therefore that the entire application is badly hit by limitation and suffers from the malice of delay and laches we hereby dismiss the OA. No order as to costs.

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

B.N.Bahadur
(B.N.Bahadur) ;
Member(A)

mb

WHLGL
Order/Judgement despatched
to Appellant/Respondent(s)
on 26/6/02

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