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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 773/92

Date of decision: 19.10.94

H.C. MEENA

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. J.K. Kaushik : Counsel for the applicant.

Mr. K.N. Shrimal : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

Hon'ble Mr. N.K. Verma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Applicant has come out with a case that respondent no. 2 published a list on 9.9.86 of all the persons who were promoted. Applicant was not promoted, as such, he submitted the representation on 10.9.86. His further case is that he submitted the representations on 13.3.87, 8.5.87, 11.11.87, 5.7.89 and 11.9.89. He submits that he was informed by the respondents on 4.10.89 that his case was considered by the DPC and he was not found suitable.

Applicant's contention is that he has been punished with a penalty of 'Censure' and otherwise, his record is good.

2. Mr. Shrimal, appearing on behalf of the respondents, has raised preliminary objection that the petition is time-barred. He further submitted that the applicant has prayed that he may be promoted w.e.f. 9-9-86 with all consequential benefits and this petition has been filed on 13.8.90, i.e. after more than four years. He submits that the representation, if not rejected, should ordinarily be considered as rejected after six months from the date of submission. The second contention of Mr. Shrimal is that the overall performance of the applicant was looked into and he has also reproduced the adverse entries on page 31. In the adverse remarks of ACR for the year 1982-83, Intelligence and Understanding was 'Poor', Knowledge of Rules etc. was 'Inadequate' and Promptness in disposal of

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work was 'Slow and tends to delay'. Similar types of adverse entries were also recorded in 1983-84 and 1986-87. It will not be out of place here to mention that two penalties of 'Censure' were imposed and the record of the applicant was no satisfactory. It was also submitted by Mr. Shrimel that the name of the applicant was also considered by the DPC held in 1987, 1988 and 1989 and he was not found suitable. Applicant has not challenged the findings of the subsequent DPCs, as such, he loses the right of his promotion from 1986 also/it is likely to adversely affect the persons who were promoted in 1986. because No ground is forthcoming why he has not challenged the subsequent DPCs as also his promotion rejected by the DPCs. The petition is also time-barred.

3. In the result, we do not find any force in the O.A. and the same is rejected, with no order as to costs.

N.K.V.

( N.K. VERMA )  
Administrative Member

I.L.M.

( I.L. MEHTA )  
Vice-Chairman