

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1215/96

DATE OF ORDER : 22-10-96.

Between :-

L.Manikya Reddy

... Applicant

And

The General Manager,
Ordnance Factory Project,
Yddumailaram, Medak District.

... Respondent

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Counsel for the Applicant : Shri V.Jagapathi

Counsel for the Respondent : Shri V.Bhimanna, CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A) *Q*

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(Order per Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman).

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Shri V.Jagapathi for the applicant. Shri V.Bhimanna standing counsel for the respondents. The order dt.31-8-93 is sought to be impugned in this O.A. filed on 4-10-96. By that order two persons below the applicant in the seniority list were given officiating promotion to the post of Jamedar-Durwan. The representation purported to be filed by the applicant to the General Manager dt.22-6-96 (Annexure A-5) leaves no manner of doubt that the applicant had come to know about the impugned order of promotion in the year 1993 itself. Instead of filing a representation to the department within the prescribed time or approaching the Tribunal against the impugned order soon thereafter, the applicant waited till 22-6-96 to file his representation. That has been rejected by the respondents by letter dt.6-7-96 on the ground of it being time barred. It is submitted that this affords cause of action to the applicant.

2. Assuming that the letter dt.6-7-96 of the respondents affords cause of action to the applicant that can be relating to the correctness of the reply or ~~more than~~ ground stated therein and that cannot relate to the original cause of action. We do not find any illegality in the reply of the respondents so as to entertain the O.A. There is no answer provided in the representation that was filed ^{to} ~~by~~ the respondents as to why ^{the applicant} he had not filed the representation within time nor has he prayed for condonation of delay.

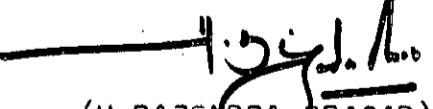
✓ Turning to the original cause of action which ~~occurred~~ in 1993 we see no reason to overlook the delay.

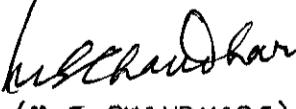
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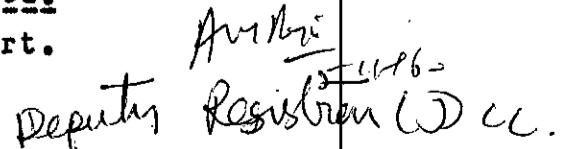
3. Apart from the technical grounds, the representation of the applicant itself shows that the applicant had suffered some punishment prior to the impugned order of promotion was passed. It also appears that his increment had been withheld for some time. Obviously the respondents did not consider him suitable for promotion owing to these reasons when the two Jamedars, Durwans were promoted by the order dt. 31-8-93. The reply to the representation shows that the cases for promotion were considered by the Departmental Promotion Committee and it had ~~not~~ found the applicant fit. The applicant not only ^{has} ~~not~~ offered any explanation in the O.A. about the nature of punishment suffered but has totally kept silent in that respect. It is not therefore possible to read any grievance made against the decision of the Departmental Promotion Committee on such frame of the O.A. The decision of the Departmental Promotion Committee and the promotions effected on the basis of that decision in 1993 cannot be re-opened at this belated stage. The proceedings do not give us any impression that the applicant stands permanently debarred for being considered for promotion if that being the position the applicant has to await for his turn. For the aforesaid reasons we find no merits in this application and it is rejected. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 22nd October, 1996.
Dictated in Open Court.

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Deputy Registrar (DCC)

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O.A.1215/96.

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To

1. The General Manager,
Ordnance Factory Project,
Yeddumailaram, Medak Dist.
2. One copy to Mr.V.Jagapathi, Advocate, CAT.Hyd.
3. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

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9/12/96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 22-10-1996

ORDER / JUDGMENT

M.A/R.A./C.A. No.

in

O.A.No. 1215/96

T.A.No. (w.p.)

Admitted and Interim Directions

Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

DESPATCH

16 DEC 1996

हृदयवाल न्यायपीठ
HYDERABAD BENCH