

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A. No. 562/93

Dt. of order: 24.10.1994

B.S. Meena

: Applicant

vs.

Union of India & Ors.

: Respondents

Mr. Suresh Kashyap

: Counsel for applicants

Mr. K.N. Shrimal

: Counsel for Govt. respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Member (Jd1.)

Hon'ble Mr. O.P. Sharma, Member (Adm.).

PER HON'BLE MR. O.P. SHARMA, MEMBER (ADM.).

Applicant B.S. Meena in this application under Sec. 19 of the Administrative Tribunals Act, 1985, has prayed that the order dated 8.10.91 (Annex. A1) by which the applicant was informed that it would not be possible to grant him promotion as requested in his representation may be quashed and the respondents may be directed to give posting to the applicant on the post of TES Gr. B. with effect from the date on which his juniors were promoted. He has further prayed that the difference of salary to the applicant from the date of posting as TES Gr. B with all consequential benefits may also be granted.

2. When the applicant was working on the post of JTO, he was considered by the respondents for promotion to the post of TES Gr. B. The respondents issued order dated 22.12.90 by which the JTOs were promoted to the post of TES Group B. The applicant's name was included in the said list. However actually he was not granted promotion to the said post. He submitted a representation on 23.2.91 pointing out that certain juniors were given promotion to the post of TES Group B while the applicant was not given promotion though he was entitled to it. The respondents sent communication Annex. A1 dated 8.10.91 informing the applicant that grant of promotion to the post of TES Group B was not possible at present. The applicant's case is that the said communication was received by him on 10.5.93 and thereafter he filed the present application on 17.8.1993.

3. The respondents have not admitted that the communication

B

Annx.A1 was received by the applicant on 10.5.93. They have taken a preliminary objection that the application is time barred because the applicant should have been filed the O.A. within a period of 18 months from the date of submission of his representation if no reply to the representation had been received within a period of 6 months from the date of submission thereof.

4. The applicant filed an M.A. seeking condonation of delay for filing the application stating therein that he filed the O.A. after receipt of the reply dated 10.5.93 (Annx.A1) and the filing of the O.A. is within the limitation period if the cause of action is considered as arising on the date on which the communication Annx.A1 was received by the applicant.

5. We find that the application has not been formally admitted so far. The M.A. seeking condonation of delay has also not been disposed of so far. In the circumstances of the present case, the delay in filing the O.A. is condoned.

6. The learned counsel for the applicant has stated that he is under the impression that the applicant has already been granted promotion. He is however, not very sure about that. He has now merely sought a direction to the respondents that in case he has not already been granted promotion, the respondents may be directed to consider the applicant's case for promotion to TES Group B on merits in accordance with the extant rules and prescribed procedure. The respondents are accordingly directed that if they have already not granted promotion to the applicant they may consider his case for promotion to the post of TES Group B in accordance with the rules and the prescribed procedure.

7. The O.A. and the M.A. stand disposed of accordingly with no order as to costs.

O.P.Sharma
(O.P.Sharma)
Member(A).

G.Krishna
(Gopal Krishna)
Member(J).