

(W)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR  
OA No. 197/1997 Date of order: 23.5.1997  
T.C.Kularia S/o Shri M.L.Kularia, aged about 57 years, resident  
of 10/56 Alka Park, Malviya Nagar, Jaipur- 17.

.. Applicant

Versus

1. Union of India through Secretary, Ministry of Information and Broadcasting, Govt. of India, Shastri Bhawan, New Delhi.
2. The Director General, Akashvani Bhawan, New Delhi.
3. The Director General Television, Mandi House, New Delhi.
4. The Chief Engineer (Borth Zone) Akashvani & Doordarshan, Jamnagar House, Shahjahan Road, New Delhi.
5. The Director, Television Centre, Jhalana Doongari, Jaipur.

.. respondents

Mr. Kunal Rawat, Counsel for the applicant

CORAM:

Hon'ble Mr. O.P.Sharma, Administrative Member

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. O.P.Sharma, Administrative Member

In this application under Section 19 of the Administrative Tribunals Act, 1985, Shri T.C.Kularia has prayed that the respondents may be directed to grant promotion to the applicant on the post of Engineering Assistant w.e.f. 27.2.1989 with all consequential benefits deeming the applicant to have been promoted w.e.f. that date. The applicant should also be assigned seniority on the assumption that he had been promoted in 1989 on the post of Engineering Assistant.

2. The applicant's case is that he joined the respondents Department on 19.12.1963 on the post of Mechanic and was promoted to the post of Senior Technician w.e.f. 1.10.1973.

(A)

Thereafter the applicant was eligible for promotion to the post of Engineering Assistant. According to the applicant, he was eligible for promotion w.e.f. 22.7.1989 but the Departmental Promotion Committee (DPC) ignored the applicant's case and persons junior to the applicant were granted promotion. He made a representation to the respondents in regard to his grievance and thereafter he was granted promotion to the said post w.e.f. 4.5.1991. He made yet another representation to the respondents requesting them to grant promotion w.e.f. 27.2.1989, the date from which his juniors were granted promotion. However, instead of granting promotion to the applicant w.e.f. 27.2.1989, the respondents have modified the earlier order granting promotion to him w.e.f. 4.5.1991, by ordering that the promotion of the applicant shall be effective from 30.1.1990. Copy of the order dated 9.9.1991 by which his promotion was made effective from 30.1.1990 is at Ann.A3. Since the respondents' action was not in accordance with the provisions of law, the applicant sent a notice for demand of justice through his counsel to the respondents on 4.9.1996 seeking promotion w.e.f. 27.2.1989. There had been no response to the said notice for demand of justice. The applicant has assailed the action of the respondents in not granting him promotion w.e.f. 27.2.1989 as arbitrary, unjust and improper.

3. During the arguments, the learned counsel for the applicant urged that in view of the fact that the respondents have not responded to the notice for demand of justice Ann.A4 dated 4.9.1996, this application deserves to be admitted for adjudication. When asked by the Court why he had remained silent after the respondents had passed order Ann.A3 dated 9.9.1991 granting him promotion w.e.f. 30.1.1990, he stated that he was continuously in correspondence with the authorities and some verbal assurances have been given to him that he would be

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granted promotion w.e.f. the date from which he had sought it.

4. We have heard the learned counsel for the applicant and have perused the material on record.

5. Initially the applicant was granted promotion to the post of Engineering Assistant vide order dated 4.5.1991 and the promotion was to be effective from the same date, as stated by the applicant. Subsequently, the respondents have passed order Ann.A3 dated 9.9.1991 making his promotion effective from 30.1.1990. The cause of action ~~if any~~ arose to the applicant on the basis of the order dated 9.9.1991. Even if the applicant had submitted any representation after receipt of the said order, of which, however, there is no record, the applicant should have approached the Tribunal within 18 months of the passing of the aforesaid order. The applicant remained silent from 9.9.1991 to 4.9.1996, for a period of 5 years when he gave notice for demand of justice Ann.A4. If any representations have been made in the intervening period, there is no record thereof. In any case, repeated representations do not extend limitation. We are of the view that this application is hopelessly time barred. It is, therefore dismissed at the stage of admission. No order as to costs.

  
(Ratan Prakash)  
Judicial Member

  
(O.P. Sharma)  
Administrative Member