

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

\*\*\*

Date of Decision: 24.8.2001

OA 357/2001

Harbans Singh, LDC at Sports Hostel, Alwar.

... Applicant

Versus

1. Union of India through Secretary, Games & Sports, New Delhi.
2. Director, Sports Authority of India, NSWC, Gandhi Nagar, Gujarat.
3. Asstt. Director (Adm), Sports Authority of India, NSWC, Gandhi Nagar, Gujarat.

... Respondents

CORAM:

HON'BLE M.F.A.K.MISHRA, JUDICIAL MEMBER

HON'BLE M.F.A.K.MISHRA, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.B.J. Sharma

For the Respondents ...

O R D E R

PER HON'BLE M.F.A.K.MISHRA, JUDICIAL MEMBER

Heard the learned counsel for the applicant and considered the OA. The applicant has claimed that his seniority on the post of LDC be directed to be reckoned from his initial date of appointment i.e. 21.1.87. It is also stated by the applicant that the department has extended discriminatory treatment to him <sup>compared to</sup> similarly placed another candidate i.e. Hoshiar Singh. Both of them were directed by the Hon'ble High Court to be appointed in terms of the judgement and, therefore, this is a clear case of discrimination as the applicant has been denied the benefit as was extended to Shri Hoshiar Singh.

2. We have considered the facts of the case and submissions of the learned counsel for the applicant.

8/8

3. The applicant was given appointment, as per the directions of the Hon'ble High Court contained in Ann.A/4, vide appointment letter dated 28.3.90 (Ann.A/5). In the said appointment letter the applicant was shown to have been appointed w.e.f. 1.9.89 and this is the date from which the seniority is being reckoned by the department in respect of the applicant. The claim of the applicant for assigning him seniority with his initial date of appointment after 11 years of Ann.A/5 is, in our view, highly belated and barred by time. If the applicant was aggrieved by this ~~initial~~ date of appointment i.e. 1.9.89 then the same ought to have been challenged at that time, but this was not done by the applicant. Now, after a lapse of more than 11 years, the applicant cannot be heard to say that the date as mentioned in his appointment letter was not correct and he is entitled to get his seniority reckoned with initial date of appointment. In view of this, the present OA is hopelessly barred by time and deserves to be dismissed in limine on this ground alone.

4. The OA is, therefore, dismissed in limine.

*Chnp*  
(A.P.NAGRATH)

ADM. MEMBER

*Am 26/8/2000*  
(A.K.MISHRA)

JUDL. MEMBER