

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

Date of Order : 07.05.2003.

ORIGINAL APPLICATION NO. 191/2003

M.M. Jain S/o Shri Rakhadas aged about 52 years, resident of House of N.K. Kataria, Motor Garage Road, Jhalawar City District Jhalawar (Rajasthan), and working as Assistant Accounts Officer (In Short A.A.O.), Office of the Telecom District Manager, Jhalawar (Raj).

.....Applicant.

Mr. K.L. Thawani

For the applicant.

versus

1. Union of India through the Secretary to the Government of India, Department of Telecommunications, Ministry of Communications, Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001.
2. Member (Finance), Telecom Commission, Sanchar Bhawan, New Delhi - 110 001.
3. Chief General Manager Telecom, Rajasthan Telecom Circle, Jaipur - 302008.
4. Liyakat Ali Dulah, Chief Accounts Officer, C/o General Manager, Telecom District, Sirohi (Rajasthan).

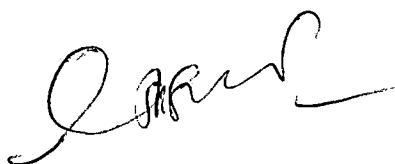
.....Respondents.

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CORAM :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

Hon'ble Mr. A.P. Nagrath, Administrative Member



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ORDER

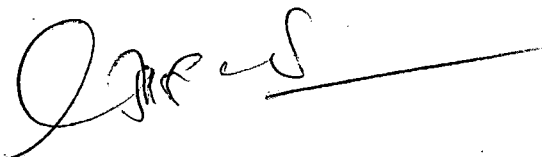
[Per Mr. Justice G.L.Gupta]

The applicant was appointed as Postal Clerk in the year 1980. He was promoted as Assistant Accounts Officer w.e.f. 1st April, 1987 and was eligible to be considered for promotion to the post of Accounts Officer.

2. The say of the applicant is that the D.P.C. held in 1993 and 1994 did not recommend the applicant for promotion and this fact has been intimated to the applicant vide communication dated 25th October, 2002, whereupon, the applicant made representation but the same has been rejected by the respondents vide communication dated 25th October, 2002, Annexure A/1. It is averred that the disciplinary proceedings were pending against the applicant and now, vide order dated 11th April, 2002, minor penalty has been imposed on him and, therefore, he is entitled to be considered for promotion right from 1993.

3. It is manifest that the applicant wants to challenge his supersession in the years 1993 and 1994. According to him, more than 100 officials, junior to him, have been promoted as Accounts Officer. The applicant did not challenge the promotion of the juniors within the period of limitation. He has filed this O.A. on 28th April, 2003 on the basis of the order of rejection dated 25th October, 2002.

4. The representation itself was not made within the period of limitation. According to the averments made in the O.A., the said representation was made in the year 2002. The applicant cannot take advantage of the rejection order dated 25th October, 2002 to bring the matter within limitation. The application is liable to be dismissed on the ground of limitation alone.




5. It is not the case for the applicant that the applicant was not aware of the promotion order of the juniors till 2002 when he made the representation and, therefore, the limitation cannot be claimed from the communication dated 25th October, 2002, wherein, it was stated that the applicant had been considered in 1993 and 1994 and the D.P.C. had adjudged him unfit for promotion.

6. It is not correct to say that the applicant's promotion was with-held because disciplinary proceedings had been initiated in the year 1995 which fact is evident by the contents of Annexure A/1.

7. Consequently, the Original Application is liable to be dismissed and is hereby dismissed in limine.

  
(A.P. Nagrath)  
Adm. Member

  
(G.L. Gupta)  
Vice Chairman

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