

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

31.7.2008

OA 208/2008

Mr. Ranveer Singh, counsel for applicant.

Heard learned counsel for the applicant.
The OA stands disposed of, at admission stage
itself, by a separate order.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 31st day of July, 2008

ORIGINAL APPLICATION NO.208/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Poorandas Sharma,
Fireman P.No.1825,
Ammunition Depot,
Bharatpur (Rajasthan).

... Applicant
(By Advocate : Shri Ranveer Singh)

Versus

1. Union of India through
Secretary to the Govt.,
Ministry of Defence,
New Delhi.
2. Deputy Director, OS (Pers),
Dte General of Ordnance Services,
Master General of Ordnance Branch,
Army Headquarters,
DHC, PO New Delhi.
3. Chief Ordnance Officer,
19, Field Ammunition Depot,
Jodhpur.
4. Commandant,
Ammunition Depot,
Bharatpur (Rajasthan).

... Respondents
(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

Heard learned counsel for the applicant.
Grievance of the applicant is that he was eligible
for first increment in the year 1992 from Fireman

Grade-II to Fireman Grade-I while his junior persons have got such benefit. It is further stated that the applicant was ~~required~~ ^{entitled} for promotion to the post of FM Grade-I in the year 1992 but the said promotion was not granted to him as one Shri Bhagwan Singh, Superintendent, misguided the officers, whereas juniors to the applicant have been promoted. It is further averred that the applicant ~~was~~ appeared in the departmental test for promotion to the post of Fire Engine Driver, in which five persons including the applicant were declared passed. Out of these five persons, four persons have been promoted, whereas the applicant was ignored. Similarly, it is further stated that the applicant has passed all the examinations of fire personal from Nagpur and also appeared in the list of FED promotion in the year 1998 as he has passed the list in 1997. Similarly, the said promotion was not granted to the applicant on account of misguiding the officers again by the said Shri Bhagwan Singh, Superintendent. The applicant has further stated that he became again eligible for the post of Fire Master in January, 2001 but the said promotion was again declined to him. The applicant has also raised certain grievances regarding his suspension w.e.f. 31.12.97 to 12.6.2002 on account of false implication in a criminal case. It is on the basis of these facts that the applicant has filed this OA thereby praying for giving him promotion to the post of Fire Officer/Fire Superintendent from the date he is entitled alongwith all arrears and consequential benefits with interest.

2. In para-3 of the OA, the applicant has averred that this application is within the limitation period as prescribed in Section-21 of the Administrative Tribunals Act, 1985. The applicant has not filed any Misc. Application for condonation of delay.

3. We are of the view that the present OA is wholly misconceived and cannot be entertained being hopelessly time barred as cause of action in favour of the applicant had arisen, for the first time, in

the year 1992 when he was not granted promotion to the post of FM Grade-I. Further, cause of action had arisen in favour of the applicant in the year 1998 when he was not granted further promotion and similarly in the year 2001. The applicant has filed this OA in the year 2008. The Apex Court has repeatedly held that the stale claim cannot be entertained. Further, as per the law laid down by the Apex Court in the case of **Ajit Singh v. Secretary to Government of Punjab**, 1999 SCC (L&S) 1322, wherein it has been held that not granting promotion is one time action and cannot be said to be continuous cause of action, the present OA cannot be entertained and deserves to be dismissed.

3. Thus, in view of the law laid down by the Apex Court, we are of the view that the present OA is hopelessly time barred and stands dismissed as such at admission stage itself. No order as to costs.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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