

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 20th day of October, 2010

ORIGINAL APPLICATION No.383/2010

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Bhawani Singh Sisodia
S/o Shri Om Singh,
R/o P.103, Brahmpuri,
Jaipur.

... Applicant

(By Advocate : Shri Jaswant Singh)

Versus

1. Union of India through
Secretary,
Health & Family Welfare (Ayush),
Govt. of India,
Red Cross Road,
New Delhi.
2. Director,
National Institute of Ayurveda,
Madhav Vilas, Amer Road,
Jaipur.
3. Director,
Department of Ayurveda,
Ajmer.
4. Sitaram Sharma,
Museum Assistant,
O/o National Institute of Ayurveda,
Madhav Vilas, Amer Road,
Jaipur.
5. Prakash Chand Swami
C/o National Institute of Ayurveda,
Madhav Vilas, Amer Road,
Jaipur.

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6. Smt. Indira Sharma,
Lab Technician,
C/o National Institute of Ayurveda,
Madhav Vilas, Amer Road,
Jaipur.
7. Shravan Kumar Sharma,
National Institute of Ayurveda,
Madhav Vilas, Amer Road,
Jaipur.
8. Prakash Narayan Nag,
National Institute of Ayurveda,
Madhav Vilas, Amer Road,
Jaipur.
9. Registrar,
Societies,
Govt. of Rajasthan,
Jaipur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following relief :

"By an appropriate order and direction the impugned order Ann.A/1 to A/8 may kindly be quashed and set aside and the respondents may be directed to place the name of the applicant above the private respondents and give him promotion from the date of his junior has been promoted to the post of Lab Technician and subsequent promotion to the cadre of Museum Assistant with all consequential service benefits including benefit of pay and allowances and also to pay arrears thereof with 18% interest thereon from the date of due to the date of payment."

2. From the material placed on record, it is evident that Ann.A/3 to A/7 are the office orders which were issued in the years 1973, 1974 & 1975 whereby services of certain persons were regularized. Ann.A/8 is the order dated 1.7.1981, whereby ad hoc promotions from the post of UDC to Office Assistant, LDC to UDC, Lab Assistant to Lab Technician & Dispenser to Sr.Dispenser were given to certain persons named

therein w.e.f. 1.7.1981. Learned counsel for the applicant submitted that the persons whose services have been regularized in Group-D category and granted promotion in the year 1981 could not have been regularized and granted promotion as the same has affected the right of the applicant and further the seniority list prepared by the respondents in the cadre of Lab. Technician based, on these illegal regularisation and promotion, of the persons mentioned in these annexures, vide Ann.A/8, is of no consequence. Learned counsel for the applicant has thus prayed that the applicant may be treated as senior to those persons who have been regularized and granted promotion in the category of Lab. Technician as they are junior to the applicant and have been granted promotion from the back date.

3. We have given due consideration to the submission made by learned counsel for the applicant. The claim of the applicant based upon the orders passed from the years 1973 to 1981 cannot be entertained as the cause of action, if any, had arisen to the applicant between the years 1973 to 1981 when the so-called persons were regularized and granted promotion.

4. The jurisdiction, power and authority upon the Central Administrative Tribunal pursuant to the Administrative Tribunals Act, 1985 had been confirmed w.e.f. 1.11.1985. Thus, in terms of the provisions contained in Section-21(2) of the Administrative Tribunals Act, 1985; the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates can be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

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5. Thus, in view of the specific provisions, as stated above, this Tribunal can entertain an application in respect of any order made within three years immediately preceding its constitution i.e. in respect of any order made between 1.11.1982 and 1.11.1985. Thus, this Tribunal has no power to entertain the grievance arising prior to 1.11.1982 or condone delay in such a case in terms of Section-21 of the Administrative Tribunals Act, 1985.

6. The grievance in the present case, admittedly, arose prior to 1.11.1982 and as such this Tribunal has got no jurisdiction to entertain this matter. Further, the applicant has also not challenged the validity of the order whereby respondents No.4 to 8 were granted promotion. It may be stated that so long as the promotion order of the private respondents to the post of Lab.Technician, which is the basic order, is not challenged, relief of the seniority, which is a consequential relief, cannot be granted. Thus, we see no infirmity in the action of the respondents, whereby even the belated representation of the applicant has been rejected.

7. For the foregoing reasons, the present OA is dismissed with no order as to costs.

Anil Kumar

(ANIL KUMAR)
MEMBER (A)

M.L. Chauhan

(M.L. CHAUHAN)
MEMBER (J)

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