

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**O.A. No.542/2017  
MA No.558/2017  
MA No.550/2017**

New Delhi, this the 15<sup>th</sup> day of February, 2017.

**HON'BLE MR. JUSTICE PERMOD KOHLI, CHAIRMAN  
HON'BLE MR. K.N.SHRIVASTAVA, MEMBER (A)**

Dr.C.P. Singh (Aged 48 years)  
S/o Late Sh.C. Ibotombi Singh  
Assistant Director (Physics) FSL  
R/o Quarter No.1, Type-IV,  
FSL Campus, Sector-14,  
Rohini, Delhi. .... Applicant

(By Advocate: Shri Deepender Hooda with Ms.Jyoti)

Versus

1. Govt. of NCT of Delhi  
Through Chief Secretary,  
Delhi Secretariat, 5<sup>th</sup> Level,  
I.P.Estate, New Delhi
2. Union Public Service Commission,  
Through its Chairman,  
UPSC Bhawan, Dholpur House,  
Shahjahan Road, New Delhi.
3. Forensic Science Laboratory,  
Through its Director,  
Madhuban Chowk, Sector-14,  
Rohini, Delhi.
4. Dr.Deepa Verma,  
Deputy Director (Documents)  
Forensic Science Laboratory,  
Madhuban Chowk, Sector-14,  
Rohini Delhi.
5. Sh. K.C.Varshney  
Deputy Director (Ballistics)

(2)

Forensic Science Laboratory,  
Madhuban Chowk, Sector-14,  
Rohini Delhi.

6. Dr.Rajinder Kumar,  
Deputy Director (Biology)  
Forensic Science Laboratory,  
Madhuban Chowk, Sector-14,  
Rohini Delhi.
7. Dr.A.K. Srivastava  
Deputy Director (Biology)  
Forensic Science Laboratory,  
Madhuban Chowk, Sector-14,  
Rohini Delhi.
8. Dr.Madhulika Sharma,  
Deputy Director (Chemistry)  
Forensic Science Laboratory,  
Madhuban Chowk, Sector-14,  
Rohini Delhi.

..... Respondents

### **ORDER (ORAL)**

**By Mr. Justice Permod Kohli:**

The applicant has challenged the order dated 03.10.2011 for promotion to the post of Assistant Director.

2. We have perused the impugned order. The impugned order has been passed pursuant to the direction of this Tribunal vide its judgment dated 19.07.2011 in MA No.1525/2011 in OA No.881/2011 titled as Dr. Madhulika Sharma vs. UPSC & Others, and by provisionally implementing the judgment dated 11.10.2006 passed by the Hon'ble Delhi High Court in Writ

(3)

Petition (Civil) No.14097-100/2005 titled as Dr. Rajendra Kumar & Others whereby the notional promotion has been granted to the private respondents in the present OA.

3. The OA is liable to be dismissed firstly on the ground that the impugned order was passed in implementation of the direction of the Tribunal and the judgment of the Hon'ble Delhi High Court, and thus challenge in the present OA is not maintainable, and secondly, present OA is also barred by time as the same has been filed after a lapse of more than five years. An application has been filed seeking to condone the delay of 78 days. The applicant has placed on record copy of a document as Annexure A-55 (Page-407). From perusal of this document, we find that the applicant was communicated on 06.01.2016 regarding fate of his representation for retrospective promotion to the post of Deputy Director. He was informed that his case for promotion was sent to the Home Department vide letter dated 18.08.2015, but the same has been returned by the Home Department with the remarks that the proposal may be submitted after finalization of the combined Seniority List of Assistant Directors. We fail to appreciate as to how this letter is relevant for condoning the delay in respect to the challenge to the

(4)

impugned order dated 03.10.2011. Therefore, the application for condonation of delay whereby the applicant seeks to condone 78 days delay is totally irrelevant in so far as delay regarding challenge to the impugned order is concerned.

4. In view of above circumstances, this OA deserves to be dismissed.

5. The applicant has also made a prayer for finalization of the seniority list and to rectify the seniority of the applicant. The issue regarding the said prayer shall remain open.

6. For the above reason, the OA is dismissed, except with respect to the prayer at para 8 (a) & (c).

**(K.N.Shrivastava)**  
**Member (A)**

**(Justice Permod Kohli)**  
**Chairman**

/kdr/