

**Central Administrative Tribunal
Principal Bench**

OA No.2388/2013

New Delhi, this the 30th day of May, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K. N. Shrivastava, Member (A)**

Jai Prakash Indora
S/o Shri Mohinder Singh Indora
R/o House No.137,
Basement, Bhagwan Nagar,
Ashram, New Delhi 110 014.

... Applicant.

(Applicant is present)

Versus

1. Union of India
Through Secretary
Ministry of Science and Technology,
Government of India,
Department of Scientific and Industrial Research
Technology Bhawan (Hall "K")
New Mehrauli Road,
New Delhi 110 016.
 2. Director General
Council of Scientific and Industrial Research (CSIR)
Government of India
2 Rafi Marg, Anusandhan Bhawan,
New Delhi 110 001.
 3. The Liason Officer for SC/ST
Council of Scientific and Industrial Research (CSIR)
Government of India
2 Rafi Marg, Anusandhan Bhawan,
New Delhi 110 001.
 4. The Deputy Secretary (E-1),
Council of Scientific and Industrial Research (CSIR)
Government of India
2 Rafi Marg, Anusandhan Bhawan,
New Delhi 110 001.
 5. Mr. Rajeev Pushkarna
Ex-F&AO, CSIR)
Dy. Chief (Finance)
Central Electricity Regulatory Commission,
3rd and 4th Floor,
Chanderlok Building,
36 Janpath,
New Delhi 110 001.
- Respondents.

(By Advocate : Shri Praveen Swaroop for official respondents.
Shri M. S. Ramalingam for private respondent.)

: O R D E R (ORAL) :**Justice Permod Kohli, Chairman :**

The applicant while working as Section Officer (Finance) was promoted as Finance & Accounts Officer (FAO) from the panel for the vacancy year 2007-08 notified vide OM dated 16.05.2007, vide order dated 15.05.2008 (Annexure A-42).

2. It appears that earlier, aggrieved by his non-selection for the post of FAO pursuant to the interview held on 16.03.2006 against the vacancies for the year 2006-07, the applicant made a representation dated 08.08.2007, claiming promotion against the reserved category post at roster point No.15. This representation found favour with the authorities and vide order dated 19.11.2008, the applicant was granted benefit of retrospective promotion w.e.f. 15.12.2006 for the vacancy year 2006-07 (Annexure A-5).

3. It seems that the applicant was not even satisfied with his retrospective promotion w.e.f. 15.12.2006 and made yet another representation dated 26.12.2008 claiming his promotion w.e.f. 26.04.2006, the date when one Shri Anand Kumar who was occupying SC vacancy vacated the post of FAO. This representation came to be rejected vide order dated 8/15.04.2009. The respondents passed another order dated 23.09.2010 whereby pay of the applicant on the post of FAO w.e.f. 15.12.2006 to 14.05.2008 has been fixed on notional basis, and an amount of Rs.32,152/- is also sought to be recovered from him. The applicant aggrieved with the aforesaid order, seems to have made several representations to various authorities, against the recovery, and also sought retrospective promotion w.e.f. 26.04.2006, the date of vacation of the reserved vacancy by Shri Anand Kumar. This

representation has been rejected vide the impugned order dated 30.07.2012.

4. The present OA has been accordingly filed before the Tribunal seeking quashment of the aforesaid orders.

5. We have heard learned counsel for the parties.

6. The grievance of the applicant is two-fold; (i) retrospective promotion from 26.04.2006 when reserved vacancy was vacated by Shri Anand Kumar as against the promotion granted to him w.e.f. 15.12.2006, and (ii) quashment of recovery of Rs.32152/- as ordered vide OM dated 23.09.2010.

7. Insofar as question of retrospective promotion w.e.f. 26.04.2006 is concerned, we have seen that his representation for such retrospective promotion had been rejected vide order dated 8/15.04.2009 (Annexure A-7). The applicant instead of challenging the said order continued to make representations which have not been disposed of. It is settled proposition of law that successive representations do not confer any right on an individual, and the limitation period cannot be extended on that basis. The present OA, admittedly, has been filed beyond the period of limitation as prescribed under the law. The issue regarding retrospective promotion w.e.f. 26.04.2006 having been settled on 8/15/04/2009, the present OA is barred by time, having been filed on 16.07.2013.

8. Insofar as the question of recovery is concerned, we have noticed that when the applicant was promoted w.e.f. 15.12.2006 vide order dated 19.11.2008, his promotion was on regular basis and not on notional basis. The subsequent order dated 23.09.2010 fixing his pay from 15.12.2006 to 14.05.2008 on notional basis and ordering recovery of Rs.32,152/- from him is not sustainable in law, since the applicant had

been granted promotion on regular basis w.e.f. 15.12.2006, vide order dated 19.11.2008. In any case, no reasons have been stipulated for passing this order.

9. For the above reasons, this Application is partly allowed. Order dated 23.09.2010 to the extent the applicant's pay from 15.12.2006 to 14.05.2008 has been fixed on notional basis and recovery of an amount of Rs.32,152/- ordered, is hereby quashed. No order as to costs.

(K. N. Shrivastava)
Member (A)

(Permod Kohli)
Chairman

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