

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.3445/2015

Thursday, this the 8th day of October 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Dr. B.K. Sinha, Member (A)**

V. Somaiah
Senior Store Assistant
C-1, Type III, DRDO Complex
Opp. Kothari Sc. Hostel
Lucknow Road, Timarpur
Delhi-54

(Mr. Soumyajit Pani, Advocate)

...Applicant

Versus

1. Union of India through Secretary,
Ministry of Defence
DRDO Bhawan, Rajaji Marg
New Delhi-11
2. Defence Research & Development Org.
Through Director (HRD)
DRDO Bhawan, Rajaji Marg
New Delhi-11
3. Defence Research & Development Org.
Through Directorate of Civil
Works & Estates (RD-28)
Defence Research & Development Org.
DRDO Bhawan, Rajaji Marg
New Delhi-11
4. Chief Construction Engineer (R&D) Estates
Chandrayanagupta, Kesavagiri, PO
Hyderabad-500 005
5. Mr. K Paul
Store Officer
Defence Research & Development Laboratory
Kanchan Bagh, Hyderabad

..Respondents

O R D E R (ORAL)

Mr. A.K. Bhardwaj:

The only argument put-forth by learned counsel for applicant is that the applicant should be given promotion as Store officer from the date the same has been given to Mr. K. Paul, his junior. We find from the seniority list, relied upon by the learned counsel, that Mr. Paul was promoted to feeder post w.e.f. 15.10.2001 while the applicant was so promoted w.e.f. 1.1.2006 and Mr. Paul is sufficiently senior to the applicant. The seniority list reads thus:-

Seniority inlist	Name	Sex	Estt	SC/ST Or N	Date of birth	Educational Qualification	Date of entry in Govt. service	Date of appointment to the present grade	Date of promotion in the previous grade	Seniority Date	DPC/SB Date	Remarks if any
	Shri											
1.	K. Paul	M	CCE (R&D) Estates, Hyd.	N	15.12.58	Inter	11.08.09	15.10.01	02.12.92	15.10.01	15.10.01	
2.	V. Somaiah	M	EMU Hyd	SC	03.02.56	Inter	05.03.86	01.01.06	11.06.98	14.10.05	14.10.05	

2. Nevertheless, the learned counsel made an attempt to canvass that since the initial appointment of the applicant as Store Assistant 'B' was made before the appointment of Mr. Paul, i.e., he was appointed to the post w.e.f. 5.3.1986 whereas Mr. Paul was appointed w.e.f. 11.8.1989, he should be treated as senior to Mr. Paul.

3. Cause of action to raise such issue accrued to the applicant about more than two and half decades ago and the controversy cannot be re-opened at this belated stage. In the impugned order dated 25.5.2015, the Government of India, Ministry of Defence has explained that prior to 1992 the Departmental Promotion Committees were held in the respective Units. If the applicant had any grievance against such method, he could have espoused his plea at that point of time.

4. As has been held by the Hon'ble Supreme Court in **B.S. Bajwa & another v. State of Punjab & others**, JT 1998 (1) SC 57, the controversy of promotion and seniority cannot be re-opened after long delay, as it results in disturbing the settled position, which is not justifiable. Paragraph 6 of the said judgment reads as under:

“6. Having heard both sides we are satisfied that the writ petition was wrongly entertained and allowed by the single Judge and, therefore, the judgments of the Single Judge and the Division Bench have both to be set aside. The undisputed facts appearing from the record are alone sufficient to dismiss the writ petition on the ground of latches because the grievance made by B.S. Bajwa and B.D. Gupta only in 1984 which was long after they had entered the department in 1971-72. During this entire period of more than a decade they were all along treated as junior to the order aforesaid persons and the rights inter se had crystallised which ought not to have been re-opened after the lapse of such a long period. At every stage the others were promoted before B.S. Bajwa and B.D. Gupta and this position was known to B.S. Bajwa and B.D. Gupta right from the beginning as found by the Division Bench itself...”

5. In the wake, the Original Application is found devoid of merit and is accordingly dismissed in *limine*.

(Dr. B.K. Sinha)
Member (A)

(A.K. Bhardwaj)
Member (J)

October 8, 2015
/sunil/