

**Central Administrative Tribunal
Principal Bench**

OA No.3741/2016

New Delhi, this the 11th day of November, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

K. L. Bansal, ASP (Retd.), CBI,
aged 72 years,
R/o House No.111, Pocket H-32,
Sector-3, Rohini,
Delhi 110 085.

... Applicant.

(By Advocate : Shri S. L. Gupta)

Versus

1. Central Bureau of Investigation
54, New CBI Building, CGO Complex,
Lodhi Road, New Delhi
Through its Director.
2. Union of India
Through Secretary
Department of Personnel and Training,
Ministry of Personnel, Public Grievances & Pensions
North Block,
New Delhi.

.... Respondents.

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

The present Application has been filed by the applicant seeking promotion on the basis of his empanelment in the Panel of 2004. The applicant was serving as Additional SP. He was to be considered for promotion to the post of SP in the year 2004. He retired from service on attaining the age of superannuation on 31.10.2004. Obviously, the case of the applicant was considered, but the competent authority declined promotion to him as he could not assume the charge on account of intervening retirement.

2. The applicant made first representation on 03.04.2015, i.e., after a period of more than 10 years. The said representation has been rejected

vide impugned order dated 24.11.2015 (Annexure A-1). The present OA has been filed seeking quashment of the order of rejection dated 24.11.2015 with further prayer for grant of promotion to the applicant to the rank of SP on notional basis w.e.f. 17.12.2004, i.e., the date approval was granted by the competent authority to the recommendations of the DPC.

3. Admittedly, DPC's recommendations qua the applicant were never accepted and he was never promoted, apart from the fact that on account of his intervening retirement, the competent authority on the basis of the norms laid down had refused to grant promotion to the applicant. The present OA is barred by limitation. Promotion order was made in December, 2004. First representation was made by the applicant on 03.04.2015, i.e., after a period of more than a decade when the cause of action had accrued to the applicant. Rejection of his representation by the impugned order will not, in any manner, condone the delay. This OA is accordingly dismissed as barred by time.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

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