

**Central Administrative Tribunal
Principal Bench**

OA No.2477/2017

New Delhi, this the 4th day of July, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Mukhtiar Singh, Age 71 years
Ex Assistant Controller of Accounts
ICAS, Group 'A', S/o Lt. Sh. Budha Ram
R/o 1891, DDA Janta Flats
G.T.B. Enclave, Delhi-93. ...Applicant

(By Advocate: Shri Ram Kavar)

Versus

1. Union of India through the Controller
General of Accounts (CGA)
Ministry of Finance, Department of Expenditure
4th Floor, Mahalekha Niyantarak Bhawan
E-Block, G.P.O. Complex, INA Colony
New Delhi-110023.
2. Ministry of Finance
Department of Expenditure
North Block, New Delhi-110001
Through its Secretary
3. The Deptt. of Personnel & Training
North Block, New Delhi-110001,
Through its Secretary. ...Respondents

(By Advocate: Shri Gyanendra Singh)

ORDER (ORAL)

Justice L. Narasimha Reddy :-

This OA is filed with a prayer to quash and set aside
the orders dated 12.08.2015, 15.07.2016 and 05.07.2017

contained in Annexure A-1 Colly, and to direct the respondents to consider the applicant for notional promotion to the post of Deputy Controller of Accounts in Senior Time Scale in Indian Civil Accounts Service, Group 'A', with retrospective effect from the date of his eligibility i.e. 01.01.2006. Other consequential reliefs are also prayed for. Since there is delay in filing the OA, an application is filed with the prayer to condone the same.

2. The applicant retired from the service on 30.04.2006 from the post of Assistant Controller of Accounts. His grievance was that though vacancies in the next higher post i.e. Deputy Controller of Accounts, existed in the department, DPC was not held while he was in service and thereby he was deprived of his right of promotion. He made reference to several proceedings most of which are in the form of replies to the queries made by the applicant.

3. The respondents filed a detailed counter opposing the application filed for condonation of delay as well as the OA on merits. It is stated that the delay is virtually 12 years from the date of communication of the order dated 16.11.2006 placed at Annexure A-3.

4. Heard the learned counsel for the applicant, Shri Ram Kavar and learned counsel for the respondents, Shri Gyanendra Singh.

5. As observed earlier, the applicant retired way back on 30.04.2006. He felt aggrieved by the alleged denial of promotion to him. Therefore, he made a representation dated 17.07.2006 i.e. within two months after his retirement. The Deputy Controller General of Accounts sent a reply on 16.11.2006 stating that the request of the applicant cannot be acceded to, in view of the fact that he retired from service, by the time the DPC met.

6. In case the applicant was of the view that the proceeding dated 16.11.2006 cannot be sustained in law for any reason, he was expected to approach the Tribunal within a reasonable time. 12 years have elapsed by the time the present OA is filed. There is absolutely no justification at all and in fact, there cannot be, for such enormous delay. An effort is made to convince the Tribunal by referring to certain orders that came to be passed subsequently. We have perused the same and find that they were issued just in reply to the repeated representations made by the applicant and by no means, they can be said

to be any specific orders giving rise to any cause of action or right to the applicant.

7. The delay is enormous, being about 12 years and any amount of explanation cannot explain such a long delay. We are not inclined to condone the delay and the OA is, therefore, dismissed.

(K.N. Shrivastava)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/