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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1242/2003

Tuesday, this the 20th day of May, 2003

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri Govindan S. Tampi, Member (A)

Smt. Avinash Mahajan
Assistant,
Employed with Ministry of External Affairs
Passport Office, Ghaziabad

..Applicant

(By Advocate: Shri S.N.Anand)

Versus

1. Union of India
through Foreign Secretary
Ministry of External Affairs
South Block, New Delhi
2. The Joint Secretary (CPV-II)
Govt. of India
Ministry of External Affairs
Patiala House
New Delhi
3. Director (PVA)
Govt. of India
Ministry of External Affairs
New Delhi

..Respondents

O R D E R (ORAL)

Shri Justice V.S. Aggarwal:

Applicant, who joined the Central Passport Organization under the Ministry of External Affairs in September, 1976, had been earning her promotions and had been promoted as an Assistant w.e.f. 25.9.1992. The grievance of the applicant is that for the post of Superintendent Grade-V, she has been ignored while her juniors have been promoted and the said order as such is illegal.

2. Learned counsel for applicant contends that in a departmental proceedings, the applicant was censured and it could not be a bar for her promotion and further that

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the sealed cover procedure should have been adopted in this regard while applicant's matter was considered by Departmental Promotion Committee and deferred because of the pending disciplinary proceedings.

3. We have carefully gone through the record and have considered the said submissions. The first and foremost fact that cannot be ignored is that the person junior to the applicant had been promoted on 25.7.2001. The applicant had represented in this regard and her representation had been rejected on 3.12.2001, a copy of which is Annexure A-2. The present application has been filed on 8.5.2003 much after the period of limitation had expired. It is true that the applicant had subsequently filed another representation, which too has been rejected. But the settled principle of law is that repeated representations will not extend the period of limitation. Thus, on this short ground, the present application is liable to fail.

4. Even if we dwell into the merits of the matter, the net result will be the same. Reasons are obvious. The method of promotion to the post of Superintendent Grade-V is by 'selection-cum-seniority'. From the record, we note that the applicant had suffered the penalty of censure. In addition to that, there is precious little on the record for this Tribunal to indicate that otherwise also, the applicant would meet the benchmark and also succeed in being promoted by the method of 'selection-cum-seniority'. In this regard, there is no averment made by the applicant.

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5. Resultantly, we have no hesitation to hold that there is no merit in the application. It fails and is dismissed in limine.

(Govindan S. Tampi)
Member (A)
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VS Ag

(V.S. Aggarwal)
Chairman