



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A.NO.2561/2003

Tuesday, this 4th day of November, 2003

**Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S.A.Singh, Member (A)**

Jai Narain,
Constable NO.10409/DAP,
9th Bn. DAP,
New Delhi.

...Applicant

(By Advocate: Shri S.S.Deswal)

Versus

1. Commissioner of Police
Police Headquarters
M.S.O.Building
New Delhi.
2. Joint Commissioner of Police
(Estt.) Branch, Police Headquarters,
New Delhi.
3. The Dy.Commissioner of Police
Police Headquarters,
(Estt.) Delhi.
4. The Deputy Commissioner of Police,
IX Bn. D.A.P.,
Delhi.

...Respondents.

O R D E R (ORAL)

Shri Justice V.S.Aggarwal:

The applicant had joined the Army service on 10.11.1974. After about 16 years of service, he was retired as Head Constable from the Army. On 31.5.1993 he was enlisted in Delhi Police as Constable.

2. Applicant asserts that on 24.12.2000 a promotion list was published. He was not promoted while his juniors were promoted. On 7.4.2003, he submitted a representation for considering his name.

3. By virtue of present application, the applicant seeks quashing of the order of 26.8.2003 rejecting his representation, with certain consequential benefits. He claims that he is entitled to be promoted from 24.12.2001.

4. The representation of the applicant has been rejected stating that no General category candidate junior to the applicant has been promoted to the rank of the Head Constable.

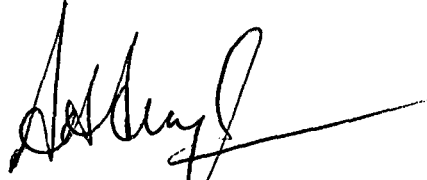
5. When the matter came up for hearing on 20.10.2003, the learned counsel for applicant wanted to indicate that persons juniors to the applicant have been promoted in the year 2003.


6. Today, learned counsel for the applicant did not dispute that in the year 2003, no person junior to the applicant has been promoted as Head Constable. However, the learned counsel contended that in the year 2001 person junior to the applicant had been promoted.

7. So far as promotions made in the year 2001 is concerned, the applicant as is apparent from the sequence of events had not challenged the said promotions that were effected in the year 2001. He allowed the time to lapse. Therefore, so far as the said promotion is concerned, the claim has become time barred. So far as the order of 2003 is concerned, the applicant would only have a grievance, if any person, junior to him has been promoted.

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8. Our attention has been drawn towards the decision of this Tribunal in the case of **D. Lakshminarayana and Others Vs. Divisional Personnel Officer, Bangalore Division, Southern Railway and Others** (1990) 12 Administrative Tribunals Cases 162. In the cited case, the services of the applicant as also of the private respondents were terminated simultaneously. However, applicant's juniors were re-engaged. The Tribunal held that the cause of action arose to the applicants on the date the private respondents were re-engaged. We do not find the said dispute here and it is obvious that the aforesaid proposition is different from the facts of the present case. In the facts and circumstances of the present case therefore, it is held that the present OA must fail. Consequently, subject to aforesaid, the petition is dismissed.


(S. A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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