

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA-3668/2019

New Delhi, this the 19th day of December, 2019



Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Kamesh Chand Sharma
S/o Sh. Prem Chand Sharma
A.E., Age 57 years, Group B
R/o C-16, Navkunj Apartments
IP Extension, Delhi. ... Applicant

(through Sh. Rajeev Sharma)

Versus

1. The Commissioner
South Delhi Municipal Corporation
Dr. S.P. Mukherjee Civic Centre, 94th Floor
J.L. Marg, New Delhi.
2. Additional Commissioner
South Delhi Municipal Corporation
Civic Centre, Minto Road
New Delhi.
3. Deputy Commissioner (South Zone)
South Delhi Municipal Corporation
Green Park, New Delhi.
4. Deputy Controller of Accounts (South Zone)
South Delhi Municipal Corporation
Green Park, New Delhi. ... Respondents

ORDER(ORAL)**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

The applicant states that he joined the services of National Water Development Agency (NWDA) in the year 1983 as Junior Engineer (JE) and thereafter, was appointed as JE(Civil) in the Municipal Corporation of Delhi (MCD) in the year 1988. He was also extended the benefit of ACP and MACP. The grievance of the applicant is that the service rendered by him in the NWDA was not counted for the purpose of granting ACP. To be precise, he contends that the first ACP was granted to him in the year 2000, by counting service from the year 1988, and had it been counted from the year 1983, it would have become due in the year 1995 itself.

2. This OA is filed with a prayer to direct the respondents to count the service rendered by the applicant in the NWDA and to extend the benefit of ACP with effect from the relevant dates.

3. We heard Sh. Rajeev Sharma, learned counsel for the applicant at the stage of admission, in detail.

4. It is not in dispute that the applicant joined the service of the MCD in the year 1988 and he was also extended the benefit of first ACP in the year 2000, on completion of 12 years of service. In case, he had any grievance about the point of time, at which the ACP ought to have been granted, he was expected to raise objection in the year 2000 itself. Strictly speaking, he should have made a representation in the



year 1995 itself seeking the benefit of first ACP, in case, his earlier service was to be reckoned. No such steps were taken. The respondents have also extended the benefits from time to time, in accordance with law. At this length of time, we cannot re-open the issue nor do we propose to direct the respondents to pass an order on the representation, which is made at this belated stage. The Hon'ble Supreme Court held that it would be a gross impropriety, if direction is given to the authorities to dispose of the representation, which is otherwise barred or is belated.

5. The plea of the learned counsel for the applicant that the cause of action is continuous, cannot be accepted. The relief is claimed with reference to ACP which was already granted to him about two decades ago. It is always time specific. The issue cannot be re-opened.

6. The OA is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/