

(2021) 03 DEL CK 0130
In the Delhi High Court
Case No : Civil Writ Petition No.2953 Of 2021

Dr. Shyam Lal

APPELLANT

Vs

Union Of India & Anr

RESPONDENT

Date of Decision : 08-03-2021

Acts Referred:

Citation : (2021) 03 DEL CK 0130

Hon'ble Judges : Rajiv Sahai Endlaw, J;Amit Bansal, J

Bench : Division Bench

Advocate : Ajit Kumar Ekka, Ripudaman Bhardwaj, Santosh Pandey

Final Decision : Dismissed

Judgement

1. The petition impugns the order dated 6th October, 2020 of the Central Administrative Tribunal (CAT), Principal Bench of dismissal of O.A. No. 1461/2020 preferred by the petitioner.

2. The case of the petitioner in the said O.A. was, that (i) in the year 2004, he was holding the post of Scientist 'F' in the Ministry of Environment, Forest and Climate Change; (ii) steps for promotion to the next grade i.e. Scientist 'G' were initiated in April 2004; (iii) though the name of the petitioner was considered and recommended by the Selection Committee, the Appointments Committee of the Cabinet (ACC) did not clear the same; (iv) the petitioner retired from service on 31st January, 2006; (v) though the Selection Committee again met on 25th August, 2006 and considered the case of the petitioner but on finding that he was not in service, his name was not recommended; and, (vi) the petitioner made a representation on 9th February, 2005 and on not getting any relief, filed the O.A. aforesaid.

3. CAT has dismissed the application of the petitioner, reasoning (i) that the cause of action, if any, accrued to the petitioner in 2004, when the ACC did not clear his name, but the petitioner did not challenge the same at that stage and filed the O.A. only in the year 2020 i.e. after nearly one and a half decades and

the claim of the petitioner was barred by latches; and, (ii) that the question of promoting retired employees did not arise; reliance was placed on Union of India Vs. K.K. Vadera AIR 1990 SC 442.

4. To be fair to the counsel for the petitioner, he has not pressed the petition beyond a certain point. Though he has referred to the judgment in Major General H.M. Singh, VSM Vs. Union of India (2014) 3 SCC 670, where promotion post superannuation was ordered but admits that that was a case where denial of promotion was under challenge while the claimant was in service and since the decision could be pronounced post superannuation, direction for promotion was issued. The same is not the position here. Else, besides K.K. Vadera supra, reference can also be made to Union of India Vs. B.P. Gairola 215 (2014) DLT 28 (DB), Union of India Vs. K. L. Taneja MANU/DE/0860/2013 and Union of India Vs. R.N. Malhotra 191 (2012) DLT 449, all holding that the question of granting promotion post retirement /superannuation does not arise.

Dismissed.