

(2009) 08 DEL CK 0456

In the Delhi High Court

Case No : Writ Petition (Civil) No. 3120 of 2000

Ram Parkash

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 03-08-2009

Acts Referred:

Citation : (2009) 08 DEL CK 0456

Hon'ble Judges : Madan B. Lokur, J;A.K. Pathak, J

Bench : Division Bench

Advocate : Party-in-Pers, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

Madan B. Lokur, J.—The Petitioner is aggrieved by an order dated 29th June, 1999 passed by the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 765/1993. He is also aggrieved by an order dated 18th November, 1999 dismissing his review application.

2. The reliefs claimed by the Petitioner in the Original Application are as follows:

(i) For quashing the Recruitment Rules for the post of Deputy Director, Deputy Secretary, ICAR and Controller of Examinations and Secretary, AGRB;

(ii) Quashing of appointments of respondents 3 to 13 made under the aforesaid Recruitment Rules;

(iii) Framing of fresh Recruitment Rules to the above posts after including the post of Senior Analyst in the consideration zone;

(iv) Making fresh selections in accordance with fresh Recruitment Rules; and

(v) Adoption of replacement pay scale of Rs. 700-1300 (pre-revised) in the case of Junior Analyst.

3. The Petitioner appeared in person and said that he is relying on the written

submissions filed by him and he requested us to go through them and take a decision in the matter. We have gone through his Written Submissions, Additional Written Submissions-I, Additional Written Submissions-II and Additional Written Submissions-III.

4. The first issue raised by the Petitioner is that the recruitment rules applicable to him are discriminatory and arbitrary. He has given no reason why they are discriminatory and arbitrary apart from saying that because of the recruitment rules he has not been given his due promotions. Needless to say this is hardly a ground for quashing the recruitment rules.

5. With regard to the second relief sought for by the Petitioner, the Tribunal has noted that Respondents No. 3 to 13 were appointed in accordance with the recruitment rules between 1985 and 1992 while the Original Application was filed in 1993. Clearly, the appointment of many of these Respondents had taken place quite some time back and no action was taken by the Petitioner to challenge their appointment. Even in respect of those of the Respondents who were appointed in 1992, the Petitioner sought to challenge their appointment after a gap of almost a year. It has not been made clear how the appointments were illegal or contrary to the rules. In any event since the appointments of most of the Respondents were made quite some time back, it is not possible to set them aside. The Tribunal has noted that the Petitioner was considered for promotion but was found not suitable. The Petitioner, therefore, cannot have any grievance in this regard.

6. As far as the third and fourth prayers are concerned, it is clearly not within the jurisdiction of the Tribunal or this Court to frame fresh recruitment rules and, therefore, these two prayers made by the Petitioner cannot be granted.

7. With regard to the fifth prayer for adoption of the replacement pay scale in the case of Junior Analyst, the Tribunal has noted that the Petitioner had made this request some time in 1974 and again in 1976 but his request was turned down. The original application asking for the same relief was filed only in 1993 after a gap of more than 15 years. Clearly, the relief prayed for cannot be granted being barred by time.

8. There is no merit in the writ petition.

9. Dismissed.