

(2022) 02 CAT CK 0033

In the Central Administrative Tribunal

Case No : Miscellaneous Application No. 3251 Of 2021 In Diary No. 4516 Of 2021

Ramesh Chandra (Male)

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 24-02-2022

Acts Referred:

Citation : (2022) 02 CAT CK 0033

Hon'ble Judges : Tarun Shridhar, Member (A); Pratima K Gupta, Member J

Bench : Division Bench

Advocate : Shailendra Nauriyal, T.C. Agarwal

Final Decision : Dismissed

Judgement

Tarun Shridhar, Member (A)

1. We have joined this Division Bench online through video conferencing.
2. Heard Shri Shailendra Nanuriyal, learned counsel for the applicant and Shri T.C. Agrawal, learned counsel for the respondents.
3. The applicant is aggrieved that he was denied promotion to the post of Electrician the year 2003 when he passed the eligibility test for the said post. Instead of 2003, he was awarded this promotion eight years later in the year 2011. Subsequently, he was denied promotion to the post of Foreman on account of his initial delayed promotion to the post of Electrician. The only reason the applicant was not able to make his claim within the period of limitation is that he had preferred several representations to the respondents and he was hopeful that some positive response shall come out of his representation.
4. Learned counsel for the applicant submits that because of this innocent belief that the respondents will take a favourable action, the applicant kept waiting and it is when he got no positive response from the respondents, he approached this Tribunal.

5. Learned counsel for the respondents, on the other hand, draws attention to his objections filed against the delay condonation application and submits that reopening the status as it existed in the year 2003 is going to cause a lot of administrative disruption and even tracing the relevant record of that period is a difficult task. He further submits that pendency of a representation over such a long period can be no excuse for the delay in filing this OA. At the most the applicant could have waited for a few months and then approached this Tribunal to obtain the relief.

6. We have gone through the OA bearing Diary Number 4516/2021 and Misc. Application No. 3251/2021. We are not convinced of the reasons adduced for the delay in filing the instant OA. Moreover, even if we try to evaluate the merit of this case, we find that in the year 2022 it will be virtually impossible for us to reopen the situation as it existed in the year 2003 and it would be an extremely complex task to establish or adjudicate upon the claim of the applicant. Therefore, in our view this OA has no merit and would probably be a fruitless exercise and a waste of time.

7. Accordingly, the application seeking condonation of delay is dismissed and hence the OA bearing Diary Number 4516/2021 also gets dismissed.

8. There is no order as to costs.