

\$~10.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11024/2016

SHILAWATI CHOUDHARY Petitioner

Through: Mr. Kartar Singh, Advocate

versus

THE CHIEF SECERETARY OF NCT, GOVT. OF NCT OF DELHI
AND ORS Respondent

Through: Mr Devesh Singh, ASC with Ms.
Urvashi Tripathi, Sukriti Ghai, Adv

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

%

16.11.2018

The petitioner has preferred the present writ petition to assail the order dated 11.08.2016 passed by Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 2717/2016 . The tribunal has rejected the said O.A. on the ground of limitation.

The petitioner retired as Vice Principal from the Delhi Government on 31.08.2011 on attaining the age of superannuation. The petitioner was reemployed and completed her tenure on 27.08.2013. The grievance raised by the petitioner was with regard to she not being granted promotion to the post of Principal against vacancy year 2010-11. She sought convening of a review DPC for her promotion to the post of principal with effect from 21.11.2011. She submits that her junior was promoted on 30.01.2012. The tribunal held the O.A. to be barred by limitation. Though her claim related to the year 2010-11, the legal notice had been served by petitioner on the

respondent only in November 2015.

The submission of learned counsel for the petitioner is that the petitioner had not moved an application to seek condonation of delay before the tribunal. The matter may be remanded back to the tribunal after granting liberty to the petitioner to move such an application.

We are not inclined to grant the said relief to the petitioner. Firstly, we may observe that the petitioner retired on 31.08.2011. If she had a grievance then she should have agitated the same within the period of limitation. Mere making of representation and sending of legal notices does not extend the period of limitation. Admittedly, the representation of the petitioner was not actioned by the respondent. After waiting for the response, since the same was not received, the petitioner should have moved the tribunal within a year.

Even otherwise, on merits as well, we find that the petitioner has not been able to make out a case. Pertinently, she is seeking promotion from a date subsequent to the date of her superannuation. She superannuated on 31.08.2011 and she seeks promotion with effect from 21.11.2011, which is the date on which the DPC was held. The junior of the petitioner was promoted on 30.01.2012.

For the aforesaid reasons, we find no merit in this petition and the same is, accordingly, dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 16, 2018

sr