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

+ **W.P.(C) 1810/2019**

DURGADAS DATTA

..... Petitioner

Through: Mr. R.K. Kapoor and Ms. Shweta
Kapoor, Advs.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **22.02.2019**

CM APPL. 8488-89/2019

Exemptions allowed, subject to all just exceptions.

W.P.(C) 1810/2019

The petitioner assails the order dated 20.12.2018 in OA No.2440/2015 passed by Central Administrative Tribunal, Principal Bench ('Tribunal'). The Tribunal had rejected the said Original Application preferred by the petitioner, wherein he had sought directions for his promotion from Scientist "F" to Scientist "G". The claim of the petitioner is that he became eligible for being promoted to the post of Scientist "G" on 01.07.1998. Though his case was considered for promotion, he was not promoted. The petitioner retired from service on 31.10.2008. He preferred the Original Application after about seven years of retirement, in the year 2015. The Tribunal called for reply of the respondents and found that the petitioner was considered in

successive promotion processes but could not make the cut and, therefore, was not promoted. Consequently, the Original Application was rejected.

The submission of Mr. Kapoor is that the Tribunal has only noticed the position of the petitioner in respect of the selection process conducted in the years 2002, 2004 and 2008. However, the Tribunal has not taken into account the fact that in the year 2006 the petitioner was highly placed in the select list, yet, he was not promoted.

We are not inclined to go into the said submission of the petitioner. As noticed above, the petitioner retired from service on 31.10.2008, and the Original Application was preferred only in the year 2015 i.e. after seven years. The cause of action arose in favour of the petitioner—even if the petitioner's submission, that he was highly placed in the select list for the year 2006 were to be accepted in the year 2006. He should have agitated his right contemporaneously within the period of limitation. Not having done that, his claim was clearly barred by limitation. The petition is, therefore, dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 22, 2019

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