

(1994) 07 SC CK 0115

Supreme Court of India

Case No: Civil Appeals Nos. 7223-24 Of 1993

Administrator of Union Territory
of Daman and Diu and Others

APPELLANT

Vs

R.D. Valand

RESPONDENT

Date of Decision: July 27, 1994

Citation: (1995) 4 SCC 593 Supp

Hon'ble Judges: S. P. Bharucha, J; Kuldip Singh, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. R.D. Valand, respondent in the appeals herein approached the Central Administrative tribunal, Bombay with a prayer that the Administration of Union Territory of Daman and Diu be directed to consider him for promotion to the post of Assistant Engineer with effect from 12/8/1977. The tribunal allowed the application and directed the Administration to consider the respondent for promotion from the above said date with all consequential benefits. This appeal by the Administration is against the judgment of the Tribunal.

2. We may briefly notice the facts. The respondent was holding the post of Section Officer (Junior Engineer). He, along with three other colleagues including one S.V. Joglekar, was reverted to the post of Draftsman, Grade II. S.V. Joglekar challenged his reversion before the Judicial Commissioner, Goa. The petition was allowed and the Commissioner by the judgment dated 12-10- 1979 set aside the reversion of Joglekar with all consequential benefits, Although the respondent had not challenged his reversion before any court, since his case was similar to Joglekar's, the Administration gave him the same relief and promoted him to the post of Junior Engineer with effect from 28/9/197272.

3. R.D. Valand submitted a representation sometime in the year 1985 requesting the Administration to consider him for promotion to the post of Assistant Engineer with effect from August 1977 when some persons junior to him were promoted. The representation was rejected by the order dated 8-10- 1986. According to the respondent he made several representations thereafter which were also rejected. Finally in March 1990 the respondent filed the application before the tribunal out of which this appeal has arisen.

4. We are of the view that the tribunal was not justified in interfering with the stale claim of the respondent. He was promoted to the post of Junior Engineer in the year 1979 with effect from 28/9/1972. A cause of action, if any, had arisen to him at that time. He slept over the matter till 1985 when he made representation to the Administration. The said representation was rejected on 8/10/1986. Thereafter for four years the respondent did not approach any court and finally he filed the present application before the Tribunal in March 1990. In the facts and circumstances of this case, the Tribunal was not justified in putting the clock back by more than 15 years. The Tribunal fell into patent error in brushing aside the question of limitation by observing that the respondent has been making representations from time to time and as such the limitation would not come in his way.

5. We allow the appeals, set aside the judgment of the Tribunal and dismiss the application of the respondent before the Tribunal. The respondent has been paid by the Administration the arrears which became due to him as a result of the Tribunal's judgment. In the facts and circumstances of this case, we direct that the said amount shall not be recovered from him. No costs.