

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No.1270/2002

New Delhi this the 31st day of December, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri V. Srikantan, Member (A)

1. Shri Leelam
S/o Shri Nathu
2. Shri Om Prakash
S/o Shri Kalu Ram
Both Helper Safaiwalas
under Carriage and Wagon Superintendant
Northern Railway
Railway Station, Delhi.

-Applicants

(By Advocate: Shri G.D. Bhandari, proxy for
Shri B.S. Mainee)

Versus

Union of India: Through

1. The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway
State Entry Road,
New Delhi.
3. The Carriage and Wagon Superintendant
Northern Railway
Railway Station
Delhi.

-Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER (Oral)

Hon'ble Shri Justice V.S. Aggarwal, Chairman

The applicants by virtue of the present application seek direction to the respondents to consider their case for promotion as Fitters Grade-III from the date from which their juniors have been promoted with consequential benefits.

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2. Some of the facts from the application are that the applicants were appointed as Safaiwalas in the year 1971/1973. Their services were terminated in 1977. Applicants had filed a Civil Writ Petition No.1084/1978 and the Delhi High Court had allowed the same. The applicants in pursuance of the directions of the Delhi High Court had been allowed to join their services in 1981.

3. The grievance of the applicants is that they are being ignored for promotion to Fitter Grade-III while their juniors have been so promoted. They have named Shri Prem Das, Tej Ram, Sita Ram and some others who were stated to be junior to the applicants and have since been promoted. Applicants had earlier filed OA No.648/2001 and this Tribunal had disposed of the same directing the respondents to dispose of the representations of the applicants expeditiously. It has been pleaded that no decision on the representation has been taken itself. On these broad facts, the above relief is being claimed.

4. In the reply filed, it has been contended that the application is barred by time and further that decision on the representations of the applicants has since been taken and copy of the same is Annexure A-2. No person senior to the applicants have been considered or so promoted.

5. So far as the question of limitation of the present application is concerned, we have no hesitation in rejecting the respondents' plea. This is for this reason that this Tribunal while disposing of OA 648/2001 on

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15.3.2001 had directed the respondents to consider the representation and pass an order within two months. Thereafter at the request of the respondents, time to comply with the directions had been extended on 12.7.2001. The representation had since been decided on 3.7.2001. The period of limitation of this process would only start running as mentioned above and within one year of the same. The present application had since been filed on 9.5.2002. Therefore, it must be held that the present application has been filed within limitation. So far as the merits of the matter are concerned, as stated above, the grievance of the applicants is that persons junior to them have been promoted as Fitter Grade-III while the applicants have been ignored. The respondents in their order dated 3.7.2001 have pointed out that no person junior to the applicants has been promoted as Fitter Grade-III. The said order dated 3.7.2001 deciding the representation in pursuance of the directions of this Tribunal, has not been challenged by the applicants. In the face of the aforesaid and the absence of those persons from whom the applicants claim seniority having been arrayed as respondent, we defer passing any order in this regard.

6. We dispose of the present application with a direction that the applicants, if so advised, may challenge the order of 3.7.2001 in accordance with law and in case they choose to do so, they should implead the persons from whom they are claiming seniority as the respondents. No costs.

V. Srikantan
(V. Srikantan)
Member (A)

V. Agarwal
(V. S. Aggarwal)
Chairman

cc.