

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK,**

ORDER SHEET

COURT NO. : 1

31/01/2020

O.A./260/313/2016

A DAS

-V/S-

D/O POST

ITEM NO:2

FOR APPLICANTS(S) Adv. :

Mr. N. R. Routray

FOR RESPONDENTS(S) Adv.:

Mr. B. Swain

Notes of The Registry	Order of The Tribunal
	<p>Heard Learned counsel for the applicant and respondents. It is submitted by applicant's counsel that the applicant has claimed benefits of decision of this Tribunal in OA No. 1196/2004 & OA No. 1213 to 1221 of 2004 for promotion to the HSG-II cadre after eight years of LSG promotion and to HSG-I cadre after three years of promotion to HSG-II cadre. Learned counsel for the respondents objected to the OA stating that it has no merit because of the judgment of the Hon'ble High Court dated 24.07.2018 passed in WPC No. 7015 of 2017.</p> <p>Factually, the applicant was appointed on 13.09.1979 and was promoted to PA on 13.02.1985. He was promoted to LSG cadre on 20.02.2001 and did not get any further promotion till he retired on 30.06.2013. In the meantime, some other employees filed OA No. 1196/2004 making similar claims which were allowed vide order dated 23.07.2008 of the Tribunal which was upheld by Hon'ble High Court. The said order was implemented in respect of the applicants in OA No. 1196/2004 vide order dated 04.02.2015 (Annexure A/2), after which the applicant submitted a representation on 12.01.2016 vide Annexure A/3 of the OA for similar benefits.</p>

Under similar situations, some other employees had filed OA No. 318/2017 claiming similar benefits as allowed in OA No. 1196/2004 vide order dated 23.07.2008 and the OA was allowed. The order of the Tribunal was challenged by the respondents before the Hon'ble High Court in WPC No. 7015, 7018, 7020, 7022 & 7023 of 2017 and vide order dated 24.07.2018, the Hon'ble High Court held that although the applicants wanted benefit of order of the Tribunal dated 23.07.2008, their representation to the authorities were made in the year 2015 and they never claimed such benefit before appropriate court of law when cause of action arose in the year 2005 or 2008 and they approached the Tribunal belatedly. Hence, the order of the Tribunal was set aside by Hon'ble High Court with following observation

"No doubt they have slept over the matters for years together and they can be treated as fence-sitters".

The aforesaid judgment dated 24.07.2018 of Hon'ble high Court was followed by the Tribunal in OA no. 505/18 with a batch of similar OAs which were dismissed vide order dated 27.03.2019, copy of which has also been furnished by the Respondents counsel. Since the facts and circumstances of the present OA are similar to the OA No. 318/17 and OA No. 505/18, this OA will be squarely covered by the judgement dated 24.07.2018 of Hon'ble High Court. Hence this OA also has no merit, since the applicant has claimed for the benefit in 2015 and approached this Tribunal in 2016 although the cause of action arose much earlier.

Accordingly the OA stands dismissed with no order as to cost.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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