

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**



**OA No. 126/2014  
MA No. 135/2014**

**New Delhi, this the 09<sup>th</sup> day of January, 2020**

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Shri Ghanshysm Das  
Age 52 years  
S/o Sh. Gyan Chand  
Khallasi under SEE Power Car Shatabdi, New Delhi  
House No. 319, B Khan, Kishan Ganj, Delhi.
2. Shri Ravinder Kumar Sharma  
Age 55 years  
S/o Shri Kharag Jeet Singh Sharma  
Khallasi under SEE Power Car Shatabdi, New Delhi  
C/o House No. 319, B Khan, Kishan Ganj, Delhi.
3. Surinder Singh S/o Bhim Singh  
Age 51 years  
Khallasi under SEE Power Car Shatabdi, New Delhi  
C/o House No. 319, B Khan, Kishan Ganj, Delhi.
4. Chintamani S/o Shri Ram Sharan  
Khallasi under SEE Power Car Shatabdi, New Delhi  
337/20A, Master Colony, TKD/NDLS.
5. Chinta Ram S/o Shri Ram Dass  
Khallasi under SEE Power Car Shatabdi, New Delhi  
C/o House No. 319, B Khan, Kishan Ganj, Delhi.
6. Sukhbir Singh S/o Shri Sohan Pal Singh  
Khallasi under SEE Power Car Shatabdi, New Delhi  
C/o House No. 319, B Khan, Kishan Ganj, Delhi.
7. Ram Bhawan S/o Tilak  
Khallasi under SEE Power Car Shatabdi, New Delhi



C/o House No. 319, B Khan, Kishan Ganj, Delhi.

8. Anirudh Singh S/o Kanwar Singh  
C/o House No. 319, B Khan, Kishan Ganj, Delhi.

9. Varinder Kumar S/o Shri Gauri Prasad  
House No. 319, B Khan, Kishan Ganj, Delhi.

10. Rakesh Kumar S/o Shri Jiva Ram  
C/o House No. 319, B Khan, Kishan Ganj, Delhi.

11. Ravinder Nath Thakur S/o Shri D.N. Thakur  
C/o House No. 319, B Khan, Kishan Ganj, Delhi.

... Applicants

(through Sh. Khairati Lal)

Versus

UOI through

1. General Manager  
Northern Railway, Baroda House, New Delhi.

2. Divisional Railway Manager  
Northern Railway, S.E. Road, New Delhi. ... Respondents

(through Sh. Shailendra Tiwary)

## **ORDER(ORAL)**

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

The applicants were working as Khallasi in the Railways.

In the context of promotion to the post of Khallasi Fitter (AC Fitter), the rules provide for holding of a screening test. The applicants contend that their juniors were promoted to the post of AC Fitter with effect from earlier dates whereas they were promoted later. In



this background, they filed this OA with prayer to direct the respondents to promote them as Khallasi Helper and AC Fitter from the dates on which their juniors have been promoted and to fix their pay, at par with their juniors. Direction is also prayed, for payment of arrears, with interest.

2. The applicants contend that once they have been appointed earlier in point of time, they are entitled to be promoted, at least, from the date on which their juniors were promoted.

3. The respondents filed counter affidavit opposing the OA. It is stated that the applicants joined the service of the Railways on different dates in different capacities, and at some stages, they were also posted in other sections. It is ultimately stated that the applicants appeared in the screening test and cleared it on 02.08.1995 whereas some of their juniors have cleared it on 05.10.1990. The discrepancy is referred to the different dates, on which, the screening test was held and the candidates have cleared it. Objection is also raised as to the limitation.

4. We heard Sh. Khairati Lal, learned counsel for the applicant and Sh. Shailendra Tiwary, learned counsel for the respondents.

5. The promotion of the applicants to the post of Khallasi Helper/AC Fitter took place somewhere in the year 1995. Their juniors were promoted about five years earlier thereto. In case, they



had any grievance about the discriminatory treatment, the applicants were supposed to approach the Tribunal at that time itself. They filed the OA almost two decades after the cause of action has arisen.

6. Even otherwise, the respondents have categorically stated that the applicants have cleared the prescribed test on 02.08.1995 whereas some of the Khallasis, who were junior to the applicants, cleared it on 05.10.1990. Once the pass in the screening test is essential for promotion, the applicants cannot expect promotion without clearing it.

7. We do not find any merit in the OA and accordingly, the same is dismissed.

Pending MA, if any, also stands disposed of.

There shall be no order as to costs.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/ns/