



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.496/2020

Thursday, this the 20th day of February 2020

**Hon'ble Sri Justice L. Narasimha Reddy, Chairman
Hon'ble Sri A.K. Bishnoi, Member (A)**

Johan Singh, aged about 58 years
Senior Personnel Office, Group B
s/o Shri Mahant Ram,
r/o House No.798, Ground Floor,
Sector 43, Sushant Lok, Phase III
Gurugram, Haryana 122002

..Applicant
(Sri B C Nagar, Advocate)

Versus

1. Union of India through
The Chairman, Railway Board
Rail Bhawan, New Delhi
2. Union of India through the General Manager
Northern Railway, Baroda House, New Delhi
3. Principal Chief Personnel Officer
Northern Railway, Baroda House, New Delhi

..Respondents
(Sri Krishna Kant Sharma, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

This O.A. discloses the level of dissatisfaction in the persons, who have been extended the benefit of reservation in promotion also. The unfortunate part of it,



is that the target of the applicant is another candidate belonging to the same category, namely, scheduled tribe.

2. For the post of Assistant Personnel Officer, in the Northern Railway, appointment to the extent of 70% is through promotion and for the remaining 30% it is through Limited Departmental Competitive Examination (LDCE). In both the methods, reservation is provided. A notification was issued on 11.08.2003 in respect of LDCE vacancies for the years 2003 to 2005. The applicant participated in the examination held in the year 2004, which was conducted for the vacancies of 2002 to 2003 as well as 2003 to 2005. For both spells, one post was reserved for scheduled tribe. The results were declared, and against the reserved vacancy of 2002 to 2003, one Vasu Dev was selected and appointed. For the reserved vacancy of 2003 to 2005, one Iranius Tirkey was selected and appointed. The applicant is said to have been promoted in 2008.

3. The applicant went on making representations, stating that Iranius Tirkey was already promoted against 70% promotion quota and there was absolutely no basis for accommodating him against 30% quota of LDCE in



respect of vacancies of 2003 to 2005. He approached the Railway Administration, National Commission for Scheduled Tribes and various authorities, over the past one and half decades.

4. In response to one of his representations made by the applicant, the Administration issued communication dated 20.02.2018, stating that Iranius Tirkey was selected and appointed against the vacancies of the years 2003 to 2005, and that the claim of the applicant is without any basis.

This O.A. is filed challenging the communication dated 20.02.2018 and for a declaration that the applicant is entitled to be selected against 30% LDCE quota for the year 2004.

5. We heard Sri B C Nagar, learned counsel for applicant and Sri Krishna Kant Sharma, learned counsel for respondents, at the stage of admission, in detail.

6. The O.A. suffers from two serious infirmities. The first is about the inordinate delay. The selection took place in the year 2004 and appointments were made thereafter, and by any standard, the O.A. filed in the year



2020, cannot be entertained. It is hopelessly barred by time and latches.

7. The second is that the relief claimed in the O.A. is totally against one Iranius Tirkey. In other words, the applicant is claiming relief vis-à-vis a post, which is now occupied by Iranius Tirkey, another scheduled tribe candidate. However, he is not impleaded as a party to the O.A.

8. Even otherwise, the record discloses that Iranius Tirkey was selected under 30% LDCE quota for the vacancies of 2003 to 2005. Though the applicant states that Iranius Tirkey was already promoted against 70% promotion quota, he did not place any material to substantiate that.

9. We do not find any merit in this O.A. It is accordingly dismissed. The issue shall be treated as closed in all respects.

There shall be no order as to costs.

February 20, 2020
/sunil/