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Central Administrative Tribunal  
Principal Bench

OA 2230/2001

This 24<sup>th</sup> April, 2002

Hon'ble Sh. Shanker Raju, Member (J)  
Hon'ble Sh. S.K. Agrawal, Member (A)

Shri Mata Deen  
S/o Shri Durjan  
Working at Painter Gr.III under Section  
Engineer (works), Rewari.

.... Applicant

(By Shri Yogesh Sharma proxy for Sh. M.K.Gaur  
Advocate)

Union of India and others  
through

1. The General Manager  
Northern Railway  
Baroda House, New Delhi.
2. The Divisional Railway Manager  
Northern Railway  
Bikaner Division  
Bikaner (Rajasthan)

... Respondents


(By Sh.B.S.Jain, Advocate)

Hon'ble Sh. S.K. Agrawal, Member (A)

**ORDER**

This OA has been filed by the applicant seeking directions to the respondents to fix his seniority from the date of his initial appointment as Painter Gr. III i.e. 18.10.1978 on TLA basis against regular sanctioned post with all consequential benefits.

2. The applicant has been working as Painter Gr.III on TLA basis w.e.f. 18.10.1978 he has been regularised as Painter III on 15.7.1990 in the scale of Rs. 3050-4590/- as per the combined seniority list published on 6.9.2000.



3. Learned counsel for the applicant submitted that on the basis of the seniority list of painter Gr. II and

Painter Gr. I dated 21.6.2000, those persons who were engaged in the 1975, 1976, 1980 were promoted as Painter Gr. II because the respondents fixed their seniority from the date of their initial appointment. However, the applicant who was initially appointed on 17.9.1967 is still working as Painter III and the respondents have not fixed his seniority from the date of his initial appointment.

4. Learned counsel for the respondents has, however, submitted that the cadre of Painter Gr. III is maintained by the concerned Assistant Engineer. For promotion to the post of Painter II Rs. 4000-6000, a combined seniority list of Painter III, working on regular basis in the scale of 3050-4590 was prepared. It was further submitted that since the applicant is working as regular painter only from 15.7.1990, he will be considered for promotion to painter Gr. II as per rules in due course. Respondents counsel also submitted that the seniority list is dated 25.4.2001 and not dated 21.6.2000 as stated by the applicant for painter II and Painter I.

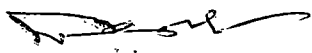
5. Respondents counsel has also raised a technical objection that the OA is time barred and as such the OA should be dismissed in limine. In this regard it has been stated that painter II were promoted between 1997-98 whereas the OA has been filed in 2001 and that there is no application for condonation of delay filed by the applicant.

6. Heard the counsel on either side.

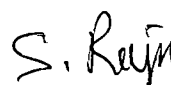


7. After going through the facts and records on the file it is noticed that the applicant is working as a regular painter III from 15.7.1990 only and as such he was nor entitled to be included in the list of promotions for Painter II. We, therefore, do not find any merit in the OA.

8. Accordingly the OA is dismissed. No costs.



(S.K. Agrawal)  
Member (A)



(Shanker Raju)  
Member (J)