

Central Administrative Tribunal, Principal Bench

Original Application No.1157 of 1998

M.A.No.1470/99

New Delhi, this the 21st day of August, 2000

Hon'ble Mr.Kuldip Singh, Member (J)
Hon'ble Mrs.Shanta Shastri, Member (A)

Hans Raj Meena
Aged about 33 years
S/o Shri Panchoo Lal Meena
working as Section Engineer (C&W)
C/o SSE (C&W) NR Jodhpur Division
Jodhpur

- Applicant

(By Advocate - Shri A.K.Trivedi)

Versus

1. Union of India, through
General Manager,
Northern Railway Headquarters
Baroda House, New Delhi

2. The General Manager (P)
Northern Railway Hqrs.
Baroda House, New Delhi

3. Divisional Railway Manager
Northern Railway, Jodhpur Division,
Jodhpur (Raj)

- Respondents

(By Advocate - Shri R.L.Dhawan)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member (J)

Applicant in this case is seeking a direction to respondent no.2 to grant him promotion to the post of C&W Superintendent.

2. The applicant was promoted as C&W Foreman on 2.12.93. For promotion to the post of C&W Superintendent, two years service in the grade of C&W Foreman is required, which applicant completed on 2.12.95. According to the applicant, on 2.12.95, posts of C&W Superintendent were available but respondents did not consider him for the same. He made a representation also on 8.3.96 (Annexure A-2).

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which was not replied.

3. Respondents have contested the OA. They have raised the objection that this OA is time barred. The applicant had filed a representation on 8.3.96 and thus the period of limitation expired on 7.3.97 whereas this OA has been filed on 27.5.98. Besides that, respondents have pleaded that control over the post of C&W Superintendent was decentralised with effect from 1.1.96 and the railway department had not considered anyone for promotion (either General or ST) during the period 2.12.95 to 1.1.96. Respondents have also stated that applicant was not due for promotion on 2.12.95 as there was no shortfall of ST in the grade of C&W Superintendent. The applicant could have claimed promotion only if some junior to him had been promoted to the post of C&W Superintendent.

4. We have heard applicant's counsel Shri A.K.Trivedi and respondents' counsel Shri R.L.Dhawan.

5. At the outset, we may mention that according to the applicant himself, cause of action had arisen to him on 2.12.95. He filed a representation on 8.3.96. This OA had been filed on 27.5.98 with an M.A. for condonation of delay.

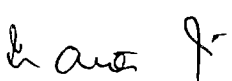
6. We have gone through the M.A.1470/99 for condonation of delay and do not find any good reason to condone the delay in filing the OA. Even

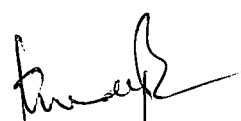
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otherwise, as submitted by respondents' counsel, the applicant could have claimed promotion only if some junior to him in the ST category had been promoted. Moreover from 1.1.96 onwards, after decentralisation, the post of C&W Superintendent is now under the administrative control of respondent no.3 and only he can consider promoting applicant if there is a vacancy in the grade of C&W Superintendent.

7. In view of the above discussion, we find no merit in this OA, which is accordingly dismissed. No costs.


(Mrs. Shanta Shastri)
Member (A)


(Kuldip Singh)
Member (J)

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