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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1517/98

New Delhi: this the 7<sup>th</sup> day of MARCH, 2001.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Shri K.C. Jain,  
S/o Shri C.L. Jain,  
R/o B-223, Brij Vihar,  
at Post Chander Nagar,  
Ghaziabad (UP).  
Working as Divisional Personnel Inspector,  
in DRM's Office,  
Northern Railway,  
New Delhi.

2. Trilochan Singh,  
S/o Shri Niranjan Singh,  
5432 Laddu Chuti pahar Ganj,  
New Delhi.  
working as Divisional Personnel Inspector,  
in DRM's Office,  
Northern Railway,  
New Delhi.

.....Applicants.

(By Advocate: Shri K.K. Patel)

Versus

1. Union of India,  
through  
the General Manager,  
Baroda House,  
New Delhi.

2. Divisional Railway Manager,  
Northern Railway,  
State Entry Road,  
New Delhi.

3. Divil. Personnel Officer,  
Northern Railway,  
State Entry Road,  
New Delhi.

.....Respondents.

(By Advocate: Shri R.L. Dhawan)

ORDER

S.R. Adige, VC(A):

Applicants impugn respondents' letter dated 25.5.98 (Annexure-A1) announcing selection for promotion to the post of Chief Personnel Inspector (Rs. 6500-10500) communicating of written test and viva voce to be held in June, 1998. They pray that they should be considered for promotion to the aforesaid posts w.e.f. 1993 with

all consequential benefits, on the basis of seniority and confidential reports, without written test and viva-voce.

2. Heard both sides.

3. Admittedly both applicants appeared in the selection pursuant to the impugned order dated 25.5.98 while Applicant No.1 cleared the selection and has been promoted as CPI w.e.f. 11.8.98, applicant No.2 failed to qualify in the written test and has not been promoted.

4. During arguments, applicants' counsel Shri K.K. Patel fairly conceded that these vacancies were required to be filled up in accordance with rules through selection on the basis of written test and viva voce, and as applicant no.2 had failed to qualify in the written test, the question of promoting him as CPI (Rs. 6500-10500) did not arise.

5. We shall therefore confine ourselves to examine whether Applicant No.1 has any case for antedating his promotion as CPI to 1993. In this connection, respondents are on firm ground when they state that if applicant No.1 was aggrieved by his non promotion as CPI in 1993 he should have agitated the matter at that point of time, as his cause of action arose then itself. Impugned letter dated 25.5.98 does not give applicant a cause of action, and viewed in that light the OA is hit by limitation under sec.21 AT Act.

6. That apart, there is no categorical averment in the OA that any person junior to applicant, consequent to decentralisation order w.e.f. 18.9.94, has been

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promoted as CPI w.e.f. 1993, to applicants' own exclusion.

7. Further more in para 6.4.4 of DP & T's O.M. dated 10.4.89, it has been laid down that even if vacancies relate to earlier years, promotions are to be made with prospective effect, and not with retrospective effect. Nothing has been shown to us to establish that the aforesaid OM dated 10.4.89 is not applicable to the respondents.

8. In the result no good reasons have been made out to warrant interference in this matter. The OA is dismissed. No costs.

*A. K. Vedavalli*  
( DR. A. Vedavalli )  
Member (J)

*S. R. Adige*  
( S. R. Adige )  
Vice Chairman (A).

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