

Date : Office Report

Orders

OA. 274/98

3.2.98.

Present: Sh. H.N. Pandey,
counsel for the
applicant.

OA has been dismissed
by a D.B. of Hon'ble
the Chairman & Hon'ble
Sh. R.K. Ahooja, M(A), on
3.2.98.

B.O.
pml
c/c.I

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 274/1998

New Delhi this the 3rd day of February, 1998

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Shri S. K. Pathak,
I.O.W., Palampur, Grade-III,
Northern Railway,
Ferozepur Division.

... Applicants

(By Shri H. N. Pandey, Advocate)

-Versus-

1. Union of India through
Ministry of Railways through
its Secretary, Rail Bhawan,
New Delhi.
2. Northern Railway
through its Executive Director
Establishment (N),
Railway Board, New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

Heard the learned counsel for the applicant on admission.

2. By this application under Section 19 the applicant is claiming fixation of his seniority with effect from 5.3.1962 when he joined the Western Railway.

3

3. It appears that subsequent to the date of his joining the Western Railway, the applicant was declared surplus and thereafter re-deployed after transfer to Northern Railway on 7.4.1974.

4. The applicant has not filed a copy of the order of re-deployment but relying on letter dated 12.4.1996 which is at page 13 of the paperbook, he submitted that after his transfer to Northern Railway, he was given bottom seniority. Being aggrieved, the applicant made representation after representation for giving him seniority from 5.3.1962.

5. On his own showing, the cause of action accrued to the applicant at least in 1992 when he did not get the seniority as desired by him. At this stage, the learned counsel drew our attention to paragraph 4 (g) of the application and submitted that the applicant had cleared the I.O.W. test in the year 1980 but was promoted to the post of I.O.W. in 1992. Be that as it may, considering the question of limitation we take 1992 to be the most favourable date for the applicant and even from that date, we find this application under Section 19 to be barred by time. We, therefore, find this application to be liable to be dismissed on the ground of limitation. The learned counsel, therefore, made a prayer for time to make an application for condonation of delay.

Jm

4

However, we do not consider it a case where time should be given for filing such an application, because according to us, the cause of action accrued to the applicant long before 1992.

6. Accordingly, this application is hereby summarily dismissed on the ground of limitation.

Km

(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

/as/