

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 561/98

(20)

New Delhi, this the 18th day of September, 2000

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

SHRI P.C. JAIN,
S/o Shri S.P. Jain.
Assistant Station Master,
Central Railway,
Mathura Jnc.

Presently Resident of :
171, Kumharwara,
BALLABGARH (DISTT. FARIDABAD) ... APPLICANT.

(By Advocate: Ms. Meenu Mainee)

VS.

UNION OF INDIA :

1. The General Manager,
Central Railway,
Bombay CST.
2. The Divisional Railway Manager,
Central Railway,
Jhansi.
3. The Divisional Railway Manager,
Central Railway,
Sholapur,
4. Shri Rakesh Babu Sharma,
Assistant Station Master,
Central Railway,
Mathura JNC.

(None)

ORDER (ORAL)

By Mr. Justice V.Rajagopala Reddy,

The applicant at his own request made in 1981 has been transferred to Jhansi Division on 11.5.88. It is the grievance of the applicant that Resp.4 Sh. Rakesh Babu Sharma who made a request later to him, i.e., 5.6.82, has been transferred earlier on 16.4.83 and as a result Sh. Rakesh Babu has been shown as senior to the applicant in the

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seniority list published in 1995. Questioning the action of the respondents in showing him as junior to Rakesh Babu in the seniority list, the present OA is filed.

2. It is not disputed that as per the relevant rules the request for transfer should be registered datewise and they were transferred in accordance with priority. But a preliminary question was raised as to be maintenance of the OA on the ground of limitation as the cause of action arose in 1983 when Rakesh Babu has been transferred from Sholapur Division to Jhansi Division. The applicant being aggrieved by such transfer should have questioned the said transfer. The only ground on which the present OA is filed at a belated stage is that the seniority list was published in 1995 and then only the applicant came to know about the relevant positions of the applicant and Resp.4 in the seniority list. In our view this would not satisfy the vice of limitation. We are not satisfied with the explanation that the applicant could not verify all these years whether Resp.4 was senior to him or not. No M.A. is also filed in condone the delay hence the question of explaining the delay could not arise. The OA is liable to be dismissed on the ground of limitation. It is now brought to our notice that Sh. Rakesh Babu has further been promoted to the post of Station Master. We are therefore not inclined to disturb the seniority that has been settled right from 1983 in this OA filed in 1998 after 15 years after the cause of action arose. The Supreme Court also in K.R.Mudgal and others Vs. R.P.Singh and others 1998 (3) SLP 28 has clearly stated that the seniority once fixed and settled should not be disturbed after so many years. It is contended that once OA is admitted the Court will not look into the plea of limitation. We do not agree. Even after the

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OA is admitted a duty is cast under Section 21 of A.T. Act upon the Tribunal to see whether the OA was properly admitted in conformity with the rule of limitation.

3. In view of the above discussion, the OA, fails and is accordingly dismissed.



GOVINDAN S. TAMPI)
Member (A)

'sd'



(V.RAJAGOPALA REDDY)
Vice Chairman (J)