

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2042 of 1996

New Delhi, this 13th day of March, 2000

Hon'ble Shri Justice V. Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastri, Member(A)

Ishwari Datt  
C/o Shri H.K. Gangwani  
CAT Bar Room  
Faridkot House  
New Delhi. ... Applicant

(By Advocate Shri H.K.Gangwani-not present)

versus

1. The General Manager  
Northern Railway  
Baroda House  
New Delhi.
2. The Divisional Railway Manager  
Northern Railway  
State Entry Road  
New Delhi.
3. The General Secretar, URMU  
166/2 Panchkuian Road  
New Delhi. ... Respondents

(By Advocate Shri R.L.Dhawan - not present)

ORDER(oral)

By Smt. Shanta Shastri, M(A)

Neither of the parties, either in person or through counsel, is present. This matter is of 1996. Therefore, we are proceeding to dispose of the application on merits.

2. The applicant who was appointed to officiate as Welfare Inspector (WLI for short) on ad hoc basis on 13.3.1986 in the grade of Rs.425-640 against a regular vacancy on the orders of Additional Divisional Railway Manager, has sought to regularise his services as WLI with effect from 13.3.1986 with all consequential benefits like seniority, promotion, arrears etc.

3. The applicant was appointed as a Clerk on 15.1.1974 and was later on promoted as Senior Clerk in July 1981. According to the applicant, he was appointed to officiate as WLI on ad hoc basis on 13.3.1986. He was promoted as Head Clerk in the grade of Rs.1400-2300 on 17.2.1987.

4. It is the case of the applicant that though he was promoted as Head Clerk, he was neither posted as Head Clerk nor has he been working as such and he continued to work as WLI on ad hoc basis. He has also been shown as WLI in the Attendance Register in all correspondence of the Railways. According to the applicant his appointment as WI is regular as per rules. Selection for the post of WI regular was fixed on 17.4.87 and the applicant's name was shown at sl.no.32 for the said selection. However the selection was postponed until further orders. The selection was later on conducted in 1988 and on 12.5.1990. However the applicant did not figure in the list of candidates found eligible for selection to the post of WLI. The applicant was not allowed for the selections in 1990, 1994 and also in 1996, whereas persons junior to the applicant were allowed to appear for the selections and having qualified, they got the higher post. The applicant apprehends that since he is looking after the work of Union in the Railways, out of prejudice, he is not being allowed to appear for the selection to the post

of WLI. The applicant has also mentioned that one Shri Trilochan Singh was promoted as Head Clerk on 26.6.1986. He was allowed to appear in the WLI selection in the year 1988 and is now holding an higher post. The applicant has also given the names of some of the juniors who are already working in the higher grade of Rs.1500-600. The applicant feels that he has been denied the opportunity to be regularised as WLI for no fault of his.

5. It is seen from the counter reply of the respondents that the respondents have raised the plea of limitation. The applicant had represented on 15.9.1992. In the very representation he accepted that his previous representation was rejected on 9.9.1992. Going by this, the applicant ought to have filed the OA within one year, i.e. by 8.9.1993 whereas the applicant has filed the OA after more than three years. This is clearly barred by limitation.

6. We find that the applicant has been seeking regularisation as WLI since 1986. The first selection which was held for the post of WLI after 1986, was in 1988 and thereafter, the applicant was promoted as Head Clerk in 1987. When he was denied the opportunity to appear for the selection of WLI, on an earlier occasion, i.e. in 1990, he has not approached this

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Tribunal. His cause for grievance being as old as 1988 and 1990, the application is clearly over delayed. Law is well settled that ~~limited~~ <sup>repeated</sup> representations do not extend the period of limitation [S.S. Rathore Vs UOI SLJ 1990(1) SC.1998]. There is no application for condonation of delay either. Thus on the ground of limitation itself the application deserves to be dismissed.

7. On merits also it has been submitted <sup>by the respondents</sup> in the counter that the applicant was promoted as Head Clerk in 1987 and since he had opted to work as Head Clerk he cannot be regularised in the cadre of WLI. The applicant had given his willingness to work as Head Clerk in the grade of Rs.1400-2300 vide his application dated 20.5.1987 (Annexure RI page.32). The post of WLI is an ex-cadre post and is filled by selection from amongst the staff working in the grade lower than that of WLI. The applicant was put to work as WLI with effect from 13.3.1986 purely on ad hoc basis pending regular selection. Since he was promoted as Head Clerk in his own cadre on 17.2.1987 prior to the date on which the selection was arranged for the post of WLI and since he opted to work as Head Clerk, he could not be considered for the post of WLI. Also the applicant's request for fixing his pay as Head Clerk by affording to him the benefit of his

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officiating as WLI in the same scale of pay with effect from 1.3.1986 was agreed to. Therefore, the applicant became ineligible to be regularised as WLI.

8. In the facts and circumstances of the case, the application is devoid of merit. The OA is, therefore, is dismissed on the ground of merit as well as on limitation. We do not order any costs.

*Shanta*  
(Mrs. Shanta Shastri)  
Member(A)

*V. Rajagopala Reddy*  
(V. Rajagopala Reddy)  
Vice Chairman(J)

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