

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1306/1997
M.A.No.1158/2000

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Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)
New Delhi, this the 22nd day of May, 2000

Om Prakash Parashar
s/o Shri Raghuvan Dayal
r/o 10-B, Railway Colony
Tughlakabad
New Delhi.

... Applicant

(By Shri H.P.Chakravorty, Advocate)

Vs.

1. Union of India through
Chairman
Railway Board
Principal Secretary
Govt. of India
Ministry of Railways
Rail Bhawan
New Delhi.

2. General Manager
Northern Railway
Baroda House
New Delhi.

3. Divisional Personnel Officer
Northern Railway
D.R.M.'s Office
Estate Entry Road
New Delhi.

... Respondents

(By Shri R.L.Dhawan, Advocate)

O R D E R (Oral)

By Reddy, J.

The applicant, who was initially appointed as Trains Clerk in the grade of Rs.110-180 in 1965, was subsequently promoted to the post of Assistant Yard Master in the grade of Rs.425-640 in the year 1982. The restructuring of the cadre was introduced in 1983 and according to the applicant he was promoted thereafter in 1984 as Yard Master in the grade of Rs.550-750 (pre revised). He was however reverted as Assistant Yard Master by order dated 25.10.1990, Annexure-A1. Subsequently, he passed the

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pre-requisite course (P-16) in 1993 and he was again promoted as Yard Master in the grade of Rs.550-750 (pre revised). It is contended by the learned counsel for the applicant that the order of the reversion of the applicant in 1990 is wholly illegal and the applicant is entitled for seniority in the post of Yard Master w.e.f. 1984, the date of initial promotion to the said post. It is the contention of the learned counsel that it is not incumbent under the rules, to have passed the pre-requisite course (P-16) or any course for his promotion to the post of Yard Master. The applicant filed the present OA seeking to quash the order dated 25.10.1990 and the order dated 7.3.1997 by which the seniority of the applicant in the post of Yard Master is affected.

2. The respondents have taken the plea of limitation. The learned counsel for the respondents submits that the OA is miserably barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. It is also submitted that it was necessary under the restructuring scheme to pass the pre-requisite course (P-16) to acquire the eligibility for the promotion to the post of Yard Master. He was reverted in 1990 as he could not pass the said course. He was again promoted in 1993 after successfully completing the said course. It is also stated that the applicant's seniority in the Yard Master was rightly fixed w.e.f. 1993.

3. We have given careful consideration to the pleadings as well as the points raised by the counsel on either side. The OA can be disposed of on the

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question of limitation. Whatever may be the merit in the case the applicant cannot question his order of reversion which was effected in 1990. Unless the said order was quashed the applicant cannot seek to maintain the position in the seniority list w.e.f. 1984. No application is filed even to condone the delay in filing the OA. The learned counsel for the applicant, however, submits that as the respondents had taken final decision regarding seniority in the post of Yard Master in their proceedings dated 7.3.1997, the OA is within the limitation. We do not agree. In the minutes of the meeting several items have been discussed, in which the applicant's seniority also was discussed. It was clearly stated against item 61 that the fixation of seniority of the applicant was rightly fixed in its proceedings dated 27.9.1993. It is, therefore, clear that the question of his seniority was already finalised in 1993. Hence, 1997 proceedings was only a reiteration of the orders passed in 1993.

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4. The MA filed in the year 2000, for taking the rejoinder on record is dismissed.

5. In the above circumstances, the OA is dismissed on the ground of limitation. No costs.

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(SMT. SHANTA SHAstry)
MEMBER(A)

Ch. Rajagopal Reddy

(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

/RAO/