

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 312/2000
MA 374/2000

New Delhi, this the 25th day of January, 2001

(12)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

1. Shri Hari Chand
S/o Shri Ram Karan
R/o H.No. 50, Madhupura,
Ghaziabad (UP)

2. Hari Singh
S/o Shri Dheer Singh
Posted as H.Khalasi,
Northern Railway,
Sakur Basti, New Delhi

...Applicants

(By Advocate Shri M.K.Bhardwaj)

V E R S U S

1. Union of India : through
The General Manager
Northern Railway
Baroda House
New Delhi.

2. The Divisional Railway Manager
Northern Railway
Delhi Division
DRM Office, Paharganj, New Delhi.

3. The Assistant Personnel Officer
Northern Railway
Divisional Office, Paharganj
New Delhi.

...Respondents

(By Advocate Mrs.Meera Chibber
through learned proxy
counsel Ms. Harvinder Oberoi)

O R D E R (ORAL)

SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

This application has been filed by two applicants against the action of the respondents in not promoting them as C & W Fitter with effect from the date when their juniors were considered and so promoted. They have, therefore, prayed that their claims may be allowed with consequential benefits.

2. We have heard Shri M.K.Bhardwaj, learned counsel for the applicants and Mrs. Harvinder Oberoi, learned proxy counsel for the respondents.

18/

3. The applicants have stated in the OA that they could not get information about the promotions of their juniors till July, 1998, after which they made a representation on 9-10-1998. Thereafter, they have stated that they have filed the present OA within 18 months from the said representation and according to them, there is no bar of limitation. These averments of the applicants have been controverted by the respondents, who have submitted that they have never received a representation of the applicants in October, 1998. According to them, the applicants have made a wrong statement on the basis of which the OA is liable to be dismissed on this ground alone. Shri M.K.Bhardwaj, learned counsel has submitted that in the order passed by the respondents dated 20-11-1996 (Annexure A-1) certain other persons who are junior to the applicants have been called for the trade test while ignoring the applicants, which is, therefore, illegal. He has submitted that as the applicants were only Khalasis, it was not possible for them to know when the respondents held the test. We are not impressed by this contention of the applicants, as the other Khalasis were similarly situated like the applicants, who have appeared in the test in 1996 and thereafter, have been dealt with by the respondents in accordance with the relevant law and rules.

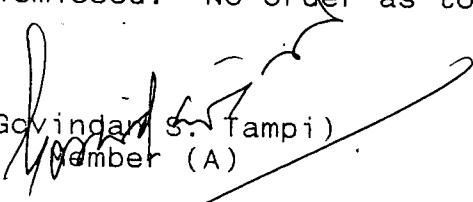
4. We have also seen the copy of the representation said to have been filed by the applicants on 9-10-1998 which does not bear any signature of the officials of the respondents as having received the same. It appears that this has been done ^{as an} ~~as an~~ after thought, in order to bring the OA within the period of limitation, as provided under

Section 21 of the Administrative Tribunals Act, 1985.

5. There is also another preliminary objection taken by the respondents on territorial jurisdiction of the Principal Bench of the Tribunal ⁱⁿ this matter. We find force in this submission also because applicant No.1 has himself stated that he is a resident of Ghaziabad, Utter Pradesh. Therefore, MA 374/2000 filed by the applicant for filing a joint application cannot be allowed. During the course of the arguments, Shri M.K.Bhardwaj, learned counsel has fairly submitted that in this view of the matter the case may be dealt with only in respect of applicant No.2. Even in the case of applicant No.2, it is relevant to note from the reply of the respondents that no junior to him has been appointed in the higher post of C & W Fitter. This contention of the respondents has in no way been controverted by the applicant by any documents on record.

(A)

6. In the result, for the reasons given above, this application fails not only on the ground of limitation, but on merits also. OA is accordingly dismissed. No order as to costs.


(Govindan S. Tampi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

/vikas/