



**Central Administrative Tribunal
Principal Bench, New Delhi**

**O.A. No.2049/2020
M.A. No. 2635/2020**

This the 11th day of December, 2020

(Through Video Conferencing)

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Hamam Singh
S/o Shri R.N. Singh
R/o 107-E, Pocket-A,
Mayur Vihar
Delhi-91.

...

Applicant

(through Advocate Mr. B.C. Nagar)

Versus

1. Union of India through General Manager,
N. Rly, HQ Office,
Baroda House, New Delhi.
2. C.P.O. N. Rly,
HQ Office,
Baroda House, New Delhi.
3. D.R.M., Divisional Railway Manager's Office,
N. Railway, Moradabad.
4. Sr. D.P.O. Divisional Railway Manager Office,
N. Railway, Moradabad
5. Arun Kumar Tyagi,
CMI/MB, T48, Email Line,
Rly Colony,
Moradabad

... Respondents

(through Advocate Mr. K.K. Sharma)

ORDER (Oral)

Hon'ble Mr. R. N. Singh, Member (J):

The present OA has been filed by the applicant seeking the following reliefs:-



- “(I) To quash the impugned orders vide letter No. 220-E/1258/53-MB/rpCell7 dated 17.01.2018 advised vide letter no. 729E/T-2/Coaching /Harnam Singh/17 dated 19.02.2020.
- (II) To allow the benefit of restructuring from 1.11.2013 of CMI P.B. 7450-11500 as HQ Office, Baroda House, New Delhi had advised to DRM's Office, Moradabad, Division letter no. E-10-75-Goods (Comm Appt) Pt 11 dated 15.02. 1994 that Railway Board conveyed their decision vide letter no.93-E(SCT)11/3/297 dated 09.02.1994 that the applicant (Harnam Singh) may be posted as CMI.
- (III) Cost of the present case may be awarded in favour of the applicant and against the respondents.
- (IV) Any other relief which the Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case, may also be passed in the interest of justice.”

2. The brief facts leading to the present application are that the applicant was appointed as Goods Clerk on 18.09.1987 in the grade of Rs.260-430 and was further promoted as CMI in grade of Rs. 1600-2660 from 08.08.1990 after qualifying selection against 10% LDCE quota. He is stated to have retired on attaining the age of superannuation w.e.f. 31.08.2017.

3. Learned counsel for the applicant submits that the applicant was placed on the panel of Commercial Supervisor in the grade of Rs.1600-2660 vide letter dated 03.02.1989 and was due for promotion as CMI. The respondents issued order of

transfer and posting vide letter dated 08.08.1990 and deliberately ignored the applicant posting as CMI in spite of the availability of vacancy for the post of CMI. He further adds that a request was referred to Railway Board through HQ Office dated 29.12.1993 for clarification.



4. The Railway Board is stated to have clarified vide communication dated 09.02.1994. The applicant made a request to Sr. Divisional Personnel Officer on 05.01.1995 for compliance of the Railway Board's letter dated 09.02.1994 and the letter of the General Manager dated 28.10.1994 and the DRM ordered to promote the applicant as CMI but the said orders were not implemented.

5. The applicant was promoted in the grade of Rs. 1600-2660 from 08.08.1990 as Goods Supervisor vide communication dated 05.01.1995 and the benefit was extended from 08.08.1990 vide communication dated 19.07.2005. Learned counsel for the applicant submits that the applicant made a representation on 14.01.2016 i.e. after around seven years for retrospective promotion. The same representation is stated to have been decided by the Competent Authority vide communication dated 17.01.2018 (Annexure A-1) vide which the applicant was informed as under:-

“From the report, it is clear that the empanelment of Shri A.K. Tyagi in the panel dated 8.2.1989 has not been quashed or set aside by any of the competent authority or CAT or any other judicial order. The placement of Sh. Harnam Singh at item NO. 4 of the

said panel below the name of Shri A. K. Tyagi seems to be correct in view of the facts as stated in the report. Also, no relief has been granted by the CAT in the OA No. 950/1999 filed by Shri Harnam Singh. In view of above, the applicant cannot claim parity with the Senior Railway servant, Sh A K Tyagi".



6. Learned counsel for the applicant submits that the said communication came to the knowledge of the applicant only vide communication dated 19.02.2020 (Annexure A-1) and that too on his repeated representations.

7. We have heard the learned counsel for the applicant and have also perused the pleadings as made in the present OA.

8. From the communications dated 19.02.2020 and also 17.01.2018, it is evident that the matter has been considered by the Competent Authority and a reasoned order has been communicated to the applicant. The applicant has not been able to show anything which entitles him for retrospective promotion. He has also failed to show that any junior has been promoted prior to him. It is also admitted case that the applicant has made the representation for the retrospective promotion after 11 years i.e. in 2016 as noted hereinabove.

9. In view of the aforesaid we are of the considered view that the OA deserves to be dismissed on the ground of the

same being barred by limitation, delay and latches as well as on merits. We order accordingly. Pending MA also stands dismissed. No costs.



(Mohd. Jamshed)
Member (A)

(R. N. Singh)
Member (J)

cc/uma/ankit/