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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.843/93

New Delhi: this the 11th day of May, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Kewal Krishna Vih,
S/o Late Shri Tirath Dass Vih,
Retd. Sr. Fuel Inspector,
N.F. Railway,
Alipurduar Jn. Applicant.

R/o A-71, Hil Housing Group Society,
Plot No.17, Sector 13,
Bhini,
New Delhi -085. Applicant.

(By Advocate: Shri G.D.Bhandari)

Versus

1. Union of India through
the General Manager,
N.F. Railway,
Maligaon,
Guhawati -11.
2. The Divisional Railway Manager,
N.F. Railway,
Alipurduar, Jn.,
3. The Divisional Railway Manager,
NF Railway,
Katihar, Respondents.

(By Advocate: Shri R.P. Agarwal).

ORDER

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 20.8.91 (Annexure-A22) and dated 22.11.91 (Annexure-A24) and seeks retiral benefits by treating him on his substantive post as a Driver 'A' Special, and after so treating him, fix his seniority and pay vis. a. vis his juniors in the cadre of Drivers, and recalculate his pay and retiral benefits along with back wages and other consequential benefits.

2. It is admitted ^{that} applicant was appointed as a

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Driver 'C' in July, 1962. According to his own submission in para 4.5 of his OA he was promoted as a Junior Fuel Inspector in 1973 on adhoc basis, and applicant himself admits in his rejoinder, the contents of para 4.7 of respondents' reply that he was subsequently regularised as a Junior Fuel Inspector vide order dated 17.11.82.

3. Having been regularised as Jr. Fuel Inspector his further career prospects were in that line, and the question of treating him on his substantive post as a Driver Grade 'A' Special and fixing his seniority with consequential benefits in the line of Drivers does not therefore arise.

4. During hearing applicant's counsel Shri Bhandari questioned respondents' action in regularising applicant as JFI as not ^{being} in accordance with rules, but that objection should have been raised in 1982 itself when applicant was regularised as JFI, and in any case does not advance applicant's claim in the present OA. Shri Bhandari also complained that respondents had failed to respond to applicant's several representations. That grievance should also have been raised at that time, and it was open to applicant to have moved the appropriate legal forum then, Shri Bhandari also contended that applicant had not received his dues in regard to the line of Fuel Inspector, but such an assertion does not advance applicant's claim for being treated ^{as} on his ^{existing} substantive post as a Driver 'A' Special, ^{after being regularised in Fuel Inspector line?}

5. In the result the OA fails and is dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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