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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 28th day of January 2004.

Original Application no. 1188 of 1998.

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

J.K.L. Kalra, S/o Late Gopi Chand Kalra,
presently working as I.I. (SS), Railway Board,
New Delhi, R/o 14, Pratima Bhawan, Kachahri Road,
RAE BARELI (UP).

... Applicant

By Adv : Sri S Ahmad

V E R S U S

1. Union of India through the General Manager,
Northern Railway, Baroda House,
NEW DELHI.
2. Divisional Railway Manager,
Northern Railway, Hazratganj,
LUCKNOW.
3. Sri V.K. Misra, Chief Inspector Tickets/Platform
Inspector, Northern Railway, Charbagh Lucknow
through the Station Supdt., Northern Railway Charbagh,
LUCKNOW.

... Respondents

By Adv : Sri P Mathur

O R D E R

Maj Gen K.K. Srivastava, AM.

In this OA, filed under Section 19 of the A.T. Act, 1985, the applicant has prayed for quashing the impugned order dated 16.7.1991 and direction to respondents no. 1 & 2 to promote the applicant as Chief Inspector Tickets/Platform Inspector in the pay scale of Rs. 700-900 (now revised to scale 2000-3200) after taking his viva-voce test with retrospective effect i.e. from 1.1.1984 with all consequential benefits.

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2. The facts, in short, are that the applicant belongs to Commercial Cadre ^{w. the h} under respondent's establishment. The applicant was promoted as Enquiry-cum-Reservation-clerk (in short ECRC) in the pay scale of Rs. 330-560 (RS) w.e.f. 4.9.1973. As per applicant, respondent no. 3 was promoted as Booking Clerk in the said grade w.e.f. 4.4.1980. The contention of the applicant ^{wish} that he is senior to the respondent no. 3. The applicant while working as ECRC was sent on deputation to Indian Telephone Industries Ltd., Rae Bareli where he remained from 29.12.1980 to 10.9.1982. The post of Platform Inspector in the pay scale of Rs. 425-640 fell vacant. One Sri R.C. Dixit who is senior to the applicant refused for suitability test for promotion. Thereafter, by notification dated 7.8.1982 the next senior person Sri P.N. Singh, the applicant and two others including respondent no. 3, on the basis of their options and seniority, were advised to keep themselves ready for suitability test in case of any eventuality.. However, respondent no. 3 vide order dated 12.10.1992 promoted respondent no. 3 on the post of Platform Inspector in the pay scale of Rs. 425-640 ignoring the claim of the applicant who was not at all called for any suitability test. The matter was raised in the Permanent Negotiation Machinery Meeting (in short PNM) on 5.9.1983 and in the same meeting it was decided that the applicant should be called for suitability test after giving him proper notice. Consequently the respondents issued order dated 17.9.1983 for implementation of the decision. However, the matter was raked up by rival unions and when nothing came up on the joint meeting of the rival unions dated 7.2.1984, the dispute was referred to General Manager, Northern Railway, New Delhi for final decision. The General Manager, Northern Railway, New Delhi upheld the decision already arrived in the PNM held on 5.9.1983 and the applicant

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after passing suitability test was promoted as Platform Inspector in the pay scale of Rs. 425-640 vide order dated 21.12.1984 (Ann A6).

3. The grievance of the applicant is that due to administrative error he was ignored to be promoted as Platform Inspector earlier from 12.10.1982 when his junior namely Sri V.K. Misra (respondent no. 3) was promoted. Besides, the argument of the applicant is that on merger of the post of Platform Inspector with the cadre of checking staff, the applicant being senior to Sri V.K. Misra is entitled for promotion as Chief Inspector Tickets/Platform Inspector in the grade of Rs. 700-900 (revised scale of Rs. 2000-3200) w.e.f. 1.1.1984. The Senior Divisional Personnel Officer (in short DPO), Northern Railway, Lucknow vide order dated 16.7.1991 promoted respondent no. 3 on the post of Chief Inspector Tickets/Platform Inspector w.e.f. 1.1.1984 ignoring the seniority of the applicant. The applicant made representation dated 22.7.1991 followed by reminders dated 22.6.1992, 7.9.1992 & 23.9.1992. When the grievance of the applicant was not redressed by the respondents, the applicant filed this OA on 20.1.1993 before Lucknow Bench of this Tribunal which was transferred and received by Allahabad Bench of this Tribunal on 5.10.1998.

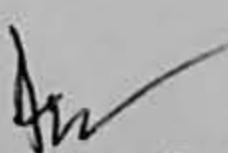
4. Heard learned counsel for the parties, considered their submissions and perused records.

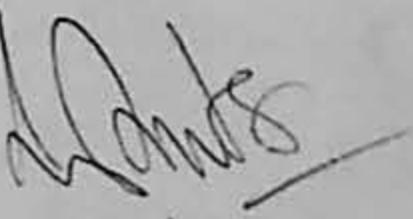
5. Admittedly, respondent no. 3 was promoted as Platform Inspector in the grade of Rs. 425-640 vide order dated 12.10.1982 and the applicant was promoted

vide order dated 21.12.1984. Since the matter regarding promotion of the applicant was being agitated by the various unions and he was promoted by order dated 21.12.1984 for limitation purpose we take 21.12.1984 as the date on which the cause of action arose. The contention of learned counsel for the applicant is that actually the cause of action arose on 16.7.1991, when the order dated 16.7.1991 was issued for promotion of respondent no. 3 to the post of Chief Inspector Tickets in the grade of Rs. 700-900 under cadre restructuring w.e.f. 1.1.1984, consequent to the merger of the post of Platform Inspector with the cadre of Checking Staff. We are not inclined to accept the contention of the learned counsel for the applicant because the applicant on his promotion as Platform Inspector vide order dated 21.12.1984 stood junior to respondent no. 3 who was promoted on 12.10.1982. In case the applicant had any grievance he should have approached the Tribunal within the period of Limitation prescribed under Section 21 of the A.T. Act, 1985. Merging of the post of Platform Inspector with the cadre of Checking Staff will not give fresh cause of action. The applicant slept over his right and ultimately filed this OA only on 20.1.1993 and in the process the limitation slipped away from his hand.

6. In the facts and circumstances and our aforesaid discussions, we dismiss this OA as grossly time barred under Section 21 of the A.T. Act, 1985.

7. There shall be no order as to costs.


Member-J


Member-A

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