

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

D.A. No.1106/87

(11)

A2/1

S.L. Singh & 2 others ::: Applicants

Vs.

Union of India & Others ::: Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicants have approached this Tribunal praying that the order of the Divisional Manager, Allahabad may be rescinded and a direction may be issued to them to revise the extant seniority list and ensure the benefit which has been rendered inadmissible in consequence of misconstituted seniority position. The grievance of the applicants is that panel for promotion to Guard Grade-C, in the scale of Rs.130-225/- was formed and accordingly 64 persons were listed and considered for promotion in different zones of Northern Railway, attended the promotion course in the Zonal Training School at Chandausi, the result of which was declared on 16-2-1971. Some of the unsuccessful candidates could not be promoted and they were allowed to repeat the courses and it was thereafter promoted much after the successful candidates were promoted. The applicants became aware of the seniority position when the combined list of seniority of the Guard Grade 'C' working in Allahabad was published and they learned that the persons, who qualified subsequently and failed earlier, have enblock been placed senior to them. This seniority list was published in the year 1984. The applicant filed a representation

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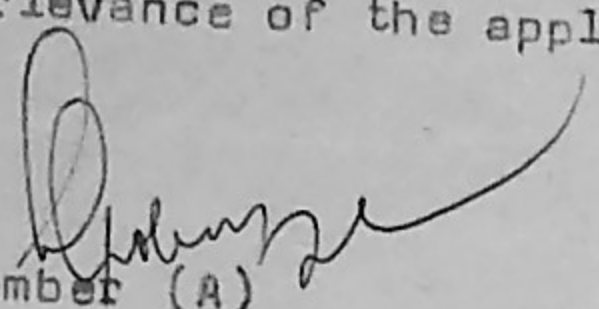
against the same, a copy of which is annexed to this application as Annexure-III. The representation was filed on 6-4-87. In the rejoinder affidavit it has been mentioned by the applicants that the applicants filed representations, i.e. one representation on 20-11-79 and another on 25-8-81. It appears that the representations of the applicants were not allowed inasmuch as the information regarding the non-granting of the prayer to the employees' union has been given, a copy of which has been filed as Annexures 4 & 5 in which a reference regarding representation of applicant has been given. The applicants did not take any action thereafter. When a fresh seniority list was issued in 1987 the applicant challenged the said seniority list.

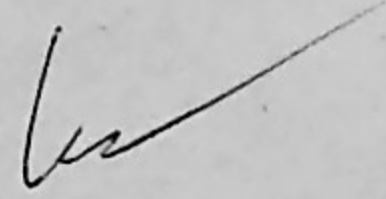
2. The respondents put in an appearance and challenged the right^{of} the applicants to file the application on the ground that the seniority list was prepared in accordance with law. It has been specifically mentioned that the basis of the seniority list was the list of 1975, which was repeated in the year 1979 and thereafter in the year 1987 and the applicants' claim is barred by time and cannot be adjudicated. The representations were filed by the applicants and the reply was given to the Union and the applicants became aware of the same. Merely because representations were filed subsequently, that will not extend the limitation which has already expired. In the instant case the cause of action accrued before the Tribunal came into existence.

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Therefore, the Tribunal cannot entertain the application. The list of 1975, finalised in the year 1979 and thereafter in 1987 were barred by time. Accordingly the application is dismissed. However, it is for the applicant to approach the Railway administration to look into the grievance of the applicants.


Member (A)


Vice-Chairman.

Dated: 31st August, 1992, Allahabad.

(tgk)