

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 22nd DAY OF MARCH 2001

Original Application No.434 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER(A)

Raja Ram, S/o Sri Pheru Ram
R/o Qr.No.419/5, Harihar Nath
Shastri Nagar, Kanpur.

... Applicant

(By Adv: Shri Rajesh Tewari)

Versus

1. The Union of India through the Secretary, Ministry of Labour and Employment, Govt. of India New Delhi.
2. The Director Advanced Training Institute Udyog Nagar, Kanpur.

... Respondents

(By Adv: Shri C.S.Singh)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has prayed for a direction to the respondents to grant him selection grade w.e.f. 5.8.1971 applying the policy of reservation under para 41(b) of para 12 of the brochure. In short the claim of the applicant is that grant of selection grade amounts to promotion and the policy of reservation is applicable to this promotion also.

The facts in short, are that applicant joined as Fitter on 19.10.1966 in Advanced training Institute, Kanpur. With effect from 19.10.1966 applicant was appointed as Vocational Instructor(Drawing). From this post applicant retired on 7.6.1991. The applicant was granted selection grade w.e.f. 17.10.1985, dissatisfied with the same it is claimed that he filed various representation during the period 25.10.1985 to 17.8.1991

but relief was not granted, he filed this OA on 24.3.1993. The learned counsel for the applicant has submitted that applicant is entitled for relief.

Shri C.S. Singh learned counsel appearing for the respondents on the other hand submitted that the application is highly time barred. Applicant retired on 7.6.1991. Thereafter this OA was filed on 24.3.1993 i.e. after about 2 years. It is also submitted that applicant was granted selection grade by order dated 17.12.1985 but no objection was raised. The cause of action arose to the applicant in 1985 the application ^{been} has ~~filed~~ filed after about 8 years and is liable to be dismissed on the ground of limitation. It is next submitted that this question as to whether the policy of reservation is applicable to the selection grade has already been considered and repelled by Calcutta Bench of this Tribunal in OA 390/87 vide judgement dated 6.1.1994. It is also submitted that Chandigarh Bench of this Tribunal also took the same view in case of 'Punjab Das Vs. Union of India T-2/86 judgement dated 12.1.1987. It is submitted that the case of the applicant cannot be accepted.

We have carefully considered the submission made by the learned counsel for the parties. Besides the point that this application was filed about 8 years after the cause of action arose to the applicant, The claim made through this OA has already been considered in similar ^{filed before} petitions by the Calcutta Bench and Chandigarh Bench of this Tribunal. In both cases the brochure has been considered and the claim raised by the applicants have been rejected saying that policy of reservation cannot be applicable while granting selection grade. It is well known that selection grade is normally granted to remove stagnation in a particular cadre on the basis of

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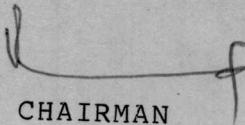
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seniority. By grant of selection grade no change ~~comes~~ ^{takes} place
~~out~~ regarding responsibilities, ~~or in~~ ^{change of} cadre etc.

In the circumstances, the claim of the applicant cannot be accepted. The OA has got no merit and is accordingly dismissed. There will be no order as to costs.

S. Bector

MEMBER (A)


VICE CHAIRMAN

Dated: 22.3.2001

/Uv/