

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1189 of 1999

Allahabad this the 25th day of February, 2004

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

Aladeen Son of Amir resident of C/o Mazeed Pulia,
Mohalla Thelatal, Jhansi.

Applicant

By Advocate Shri D.K. Soni

Versus

1. Union of India through Chairman, Railway Board,
Rail Bhawan, New Delhi.
2. The General Manager, Central Railway, Bombay.
3. Divisional Railway Manager, Central Railway, Jhansi.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R (Oral)

By Hon'ble Maj Gen K.K. Srivastava, A.M.

In this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant has prayed for direction to the respondents to provide all the promotional benefits to the applicant from the date the juniors to the applicant have been promoted and also for direction to the respondents to decide the pending representation of the applicant.

2. The facts of the case, in short, are that the applicant was initially appointed as Gangman in the respondents' establishment in the year 1961 in the scale of Rs.70-85. In 1967 the applicant was posted as Khalasi

under Inspector of Works (in short I.O.W.). The post of Filter Mechanic was notified vide notification dated 22.02.1972. The applicant applied for the same along with others. However, none was promoted. The grievance of the applicant is that though his juniors were promoted for the first time in the year 1976 and thereafter in 1980, 1982, 1986 and 1987 on the post of Filter Mechanic but, he was ignored. Hence this O.A., which has been contested by the respondents.

3. The respondents in their counter-reply have pleaded that the O.A. is liable to be dismissed as grossly time barred. The respondents in para-7 of the counter have averred that the applicant alongwith others appeared for the trade test for the post of Filter Mechanic on 10.02.1977 and 09.08.1986 but he could not pass the same, therefore, the applicant could not be posted as Filter Mechanic. The applicant was promoted as Filter Mechanic on 16.03.1989 only when he passed the trade test.

4. We have heard the counsel for the parties, considered their submissions and perused the record.


5. The applicant on his own showing has admitted that his juniors were promoted in the year 1976 and also in 1980, 1982, 1986 and 1987. For the first time, cause of action arose in the year 1976. Even if we take 1987 the year when cause of action arose, we find that the O.A. is liable to be dismissed on the ground of limitation as the O.A. was filed on 30.09.99 i.e. after lapse of 12 years.

6. The counter was served on the counsel for the

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applicant on 12.04.2001. By order dated 11.04.2001 the applicant was given two weeks time to file the rejoinder, which he has not. We would like to observe that the applicant could not be promoted and posted as Filter Mechanic because he could not clear the trade test held on 10.02.77 and 09.08.1986 (para-7 of the C.A.). He has rightly been promoted on 16.03.1989 only after he passed the trade test. Under the circumstances, we are of the view that the O.A. is devoid of merit also.

7. In view of the facts and circumstances and our aforesaid discussions, the O.A. is dismissed being devoid of merit and also on the ground of limitation. No order as to costs.


Member (J)


Member (A)

/M.M./