

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 17th DAY OF December, 2009)

PRESENT:

HON'BLE MR. JUSTICE A.K. YOG, MEMBER-J

ORIGINAL APPLICATION NO. 07 of 2003
(U/s, 19 Administrative Tribunal Act.1985)

Shri Bal Singh Rana Son of Shri Keshor Singh Rana, C-576 Avas
Vikas, Kashipur, District Udham Singh Nagar (Uttaranchal).

.....*Applicant*

By Advocate: Shri R.C. Pathak

Versus

1. Union of India through General Manager, North Eastern Railway, Gorakhpur U.P.
2. The Divisional Rail Manager (P) North Eastern Railway, Izatnagar Division, P.O. Izatnagar. District Bareilly-U.P.

.....*Respondents*

By Advocate: Shri K.P. Singh

ORDER

Heard Sri R.C. Pathak, Advocate, on behalf of the applicant and Sri K.P. Singh representing the respondents and perused the pleadings and documents on record.

2. By means of the present Original Application, applicants challenging the order dated 15/16-04-2002 (Annexure-1 /compilation-I). Case of the applicant is dealt with Para-1 of the said impugned order which shows that it is with reference to the representations dated 02.02.1997, 07.02.1997, 04.10.2001, 15.10.2001 and 18.12.1999. Said

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order shows that aforesaid representations have been decided by means of impugned orders dated 4/6-03-1997, 09.02.2000, 13.11.2001 and 07.12.2001.

3. Para-8 containing relief in the Original Application reads:-

"(i) That the Hon'ble Tribunal may be pleased to quash the notification dated 8.1.2003 (Annexure A-12)

(ii) That the Hon'ble Tribunal may be pleased to quash the letter dated 15.16.4.2002 (Annexure A-1)

(iii) that the Hon'ble Tribunal may be pleased to issue any suitable writ, order or direction which may deem fit and proper to the respondents for promotion of the petition in Head Booking Clerk in the year 1986.

(iv) That the Hon'ble Tribunal may be pleased to issue any suitable writ order or direction, which may deem fit and proper, to the respondent to place the petitioner above Nardeo Singh Rana (S.T.) who is standing at S.No. 7 in Seniority list of C.S.II as on 1.4.1993 and prior to Nar Deo Singh Rana who was promoted to C.S. I in 1995 with full benefits of pay, seniority, fixation, stepping up and other consequential benefits.

(v) That the Hon'ble Tribunal may be pleased to issue any other suitable writ, order or direction which maybe deemed fit and proper under the facts and circumstances of the case.

(vi) Award costs of the petition in favour of the petitioner. "

4. From the perusal of the facts contained in Para-4 of the O.A. read with aforesaid quoted relief/s, as well as the Supplementary Affidavit filed by the applicants (himself in the Registry on 21.04.2003 and particularly Para-2 to 7). The initial cause of action and grievance arose in the year, 1986. The subsequent developments (filing on

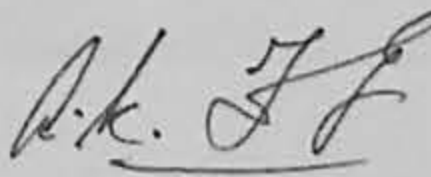
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representations and orders thereon including the action taken by the respondents and granting promotion) all of as the consequences of not extending promotion to the applicant as Senior Booking Clerk (Rs.1200-2040) and Head Booking Clerk (1400-2300) in the year, 1986. He consequently deprived of his promotion on his date i.e. in the year, 1988, 1989 etc.

5. It is clear that various order/s passed by the departments on the representation of the applicant (noted above) have not been brought on record and are challenged by filing present O.A.

6. Besides the above, I find that the applicant has furnished no explanation as to why he did not get the issue of initial promotion being denied at that stage promptly by approaching Court/Tribunal. In case department had denied it and continued to wait from more than 10 years, not only this in view of the above I find that the applicant has endeavor to raise old issue belatedly and it is allowed it shall seriously prejudiced right/stay on other person, who are not being impleaded in the present O.A.

7. In view of the above I decline to interfere in this matter. OA stands dismissed. No costs.


Member (J)