

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~RECORDED~~
AHMEDABAD BENCH

O.A. No. 250 OF 1988.
~~Case No.~~

DATE OF DECISION 20.09.1989

Mr. G.V. Krishna Rao Petitioner

Mr. P.S. Chari Advocate for the Petitioner(s)

Versus

General Manager W.Rly., Respondent

Mr. N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. M. Joshi Judicial Member

The Hon'ble Mr. M. M. Singh Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(S)

Mr. G.V. Krishna Rao,
CIOW Office (S&C)
W.Rly., Valsad.
(Advocate - Mr. P.S. Chari)

.. Petitioner

Versus

General Manager, W.Rly.,
Churchgate, Bombay. .. Respondent
(Advocate - Mr. N.S. Shevde)

CORAM : Hon'ble Mr. P.M. Joshi : Judicial Member

Hon'ble Mr. M.M. Singh : Administrative Member

O R A L - O R D E R

C.A./250/88

20.09.1989

Per : Hon'ble Mr. P.M. Joshi .. Judicial Member

The petitioner Shri G.V. Krishna Rao who is working as Chief I.O.W. in the scale Rs. 840-1040.,

The petitioner has sought several reliefs in para 7 of his application including promotion to the grade Rs. 840-1040 and fixation of integrated seniority in accordance with the principle and procedure laid down in Railway Board circular dt. 5.3.1983 and also his claim for being considered to the post of AEN on the basis of his seniority.

2. According to the case set up by the petitioner, he was denied promotion to the grade Rs. 840-1040 when his juniors were promoted vide order dated 3.2.1985 (Annexure A-3). In the meantime, he was promoted to the said grade with effect from 1.3.1986. It is alleged that even though he appeared at the written test and passed the same vide order dated 23.9.1986 and appeared at the viva-voce test held

on 15.10.1986, he was not placed on the panel dated 12.11.1986 (Annexure A-2) of the selected candidates for promotion to the post of AEN (Assistant Engineer), because he was placed in seniority below his juniors and but for this wrong done to him, he would have been placed on panel. His next grievance is that even thereafter when the second selection started, he was placed at serial No. 177.

3. When the matter came up for admission, we have heard Mr. P.S. Chari and Mr. N.S. Shevde, the learned counsel for the petitioner and respondents respectively. We have also perused all the materials placed on record.

4. It is pertinent to note that the main grievance of the petitioner is that he has been denied promotion to the grade Rs. 840-1040, when his juniors were promoted vide order dt. 3.2.1985. According to him, the promotion has been withheld in his case, for any valid reason. ^{✓ Now,} In case, the petitioner was really aggrieved against this action, he could not have waited for three years for filing this application. As a matter of fact, again when the question of promotion was to be decided, he was considered and was given promotion to the said grade from 1.3.1986. Even thereafter when the proceedings for selection to the post of AEN had started, the petitioner did appear at the examination held for the purpose. But he failed in the said test and he was not placed on panel, which was prepared vide memo dt. 12.11.1986 (Annexure A-2).

Thus he has not preferred to file the application to vindicate his grievance, even in the year 1986. In other words, he seems to have acquiesced in the decision taken in his case. Obviously, he felt aggrieved only when a list of candidates eligible for selection to the post of AEN was published on 22.2.1988, where he was placed at sr. No. 177. But the petitioner should not forget that his cause of grievance, is based upon the inaction on the part of the respondents, whereby he was denied promotion on 3.2.1985, which he seems to have acquiesced in by his several actions and conduct. The real cause of action occurred as back as on 3.2.1985. The representations if any, are filed thereafter, on his accepting promotion with effect from 1.3.1986 and his act of appearing at the selection for the post of AEN and having failed therein, it cannot be said that the cause has been kept alive.

5. In view of the aforesaid discussion, we do not find any merits in the contentions of the petitioner that he has been wrongly placed at serial No. 177. Even otherwise the petitioner's claim is barred by limitation under sec. 21(2) of the Administrative Tribunals Act, 1985 and also suffers from plurality of reliefs sought in the application, offending the provisions of Rule 10 of the Central Administrative Tribunals (Procedure) Rules, 1987.

Accordingly, we do not find any merits in the present application and the same is rejected summarily.

M M Singh
(M M Singh)
Administrative Member

*Mogera

P M Joshi
(P M Joshi)
Judicial Member