

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

XXXXXX XXXX XXXX

O.A. No. 241 1990

XXXXXX

with

M.A. No. 218 of 1990

DATE OF DECISION 9.7.1990

Mahendra Rao Naran Rao Thomre Petitioner

Mr. P.K. Handa Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

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

CORAM :

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

The Hon'ble Mr. N.R. Chandran .. .. Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Ys*
2. To be referred to the Reporter or not? *Ys*
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? *Ys*

(b) ✓

Mahendra Rao Naran Rao Thomre,  
working as Engine Room Attendant  
Gr.I under SEF(P) Baroda Yard.  
Maharashtra Vyayam Shala,  
B/h. Tara Baug, Wadi,  
Vadodara 390 017.  
(Advocate-Mr. P.K. Handa)

.. Applicant

Versus

1. Union of India,  
Through, Secretary,  
Ministry of Railways,  
Rail Bhavan,  
New Delhi.
2. General Manager,  
Western Railway,  
Churchgate,  
Bombay.
3. Divisional Railway Manager,  
Divisional Office, W.Rly.,  
Pratapnagar,  
Vadodara.
4. Sr. Divisional Electrical  
Engineer (Power),  
Divisional Office, W.Rly.,  
Pratapnagar,  
Vadodara.

.. Respondents

(Advocate-Mr. N.S. Shevde)

O.A. No. 241 of 1990

with

M.A. No. 218 of 1990

ORDER

Date : 9.7.1990.

Per : Hon'ble Mr. N.R. Chandran .. Judicial Member

The applicant in this application, challenges deletion of his name for appearing for a trade test for promotion as Fitter Gr.II. His name was originally found in the proceedings of Divisional Superintendent (Electrical), Pratapnagar as No.2 on 5.10.1979 ~~is~~ by an order dated 11-10-1979. his name was deleted. Consequently, on 30.11.1979 in the select list the persons who were promoted and who had taken trade test, the applicant's name was not shown. The applicant was also trade tested subsequently and was promoted as Fitter Grade II and Fitter Grade I in the year 1989. His next

promotion is ELM. The order was passed on 5-3-1990 rejecting his request for promotion on the ground that the applicant did not put in two years' service in Fitter Grade I. Originally, prayer in the application was challenging the deletion of his name from the list of candidates who were to appear for the Trade Test. Subsequently, the applicant amended the prayer challenging the order dated 5-3-1990 rejecting his request for further promotion as ELM. The learned counsel for the applicant contends that the order dated 11-10-1979 refusing him to take the trade test would be illegal and therefore consequently, the impugned order dated 5-3-1990 would also be illegal. We are of the view that the crux of the matter is the deletion of the name of the applicant from the list dated 5-10-1979 communicated in proceedings dated 11-10-1979. Therefore, the cause of action in this case arose in the year 1979 itself. The applicant states that he has been sending representations in his matter to the higher authorities. This will not save the limitation and since the cause of action arose before three years of the constitution of the Tribunal, we cannot entertain the application. The order dated 5-3-1990 deals with a separate cause of action regarding promotion to ELM.

The order on the face of it would be right because the applicant, as a matter of fact, has not put in two years of service as Fitter Grade I. The applicant cannot tack on the prayer for quashing the order dated 5-3-1990 to bring the earlier relief regarding the deletion of his name to appear for the trade test within the period of limitation. Therefore, we are of the view that the application is barred by limitation and is dismissed. The application for amendment is also dismissed.

*N.R. Chandran*  
(N.R. CHANDRAN)  
JUDICIAL MEMBER

*M. M. Singh*  
(M.M. SINGH)  
ADMV. MEMBER

9-7-1990