

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A.NO. 272/93 with M.A.No.595/93

~~**D.A.NO.**~~

DATE OF DECISION 27.11.1997

Balkrishna H. Sharma, Petitioner

Applicant-in-person, ~~Advocate for the Petitioner[s]~~
Versus

Union of India & Ors. Respondent s

Mr. R.M. Vin, Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V. Ramakrishnan, vice Chairman

The Hon'ble Mr. P.C. Kannan, Judicial Member

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? ✓
- 2, To be referred to the Reporter or not ? ✓
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? ✓

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A.NO.
T.A.NO.

DATE OF DECISION

Petitioner

Advocate for the Petitioner [s]

Versus

Respondent

Advocate for the Respondent [s]

CORAM

The Hon'ble Mr.

The Hon'ble Mr.

JUDGMENT

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether their Leadership wish to see the full copy of the Judgment?
4. Whether it needs to be circulated to other Benchers of the Tribunal?

Balkrishnam H. Sharma
Signal Inspector Gr.I
Kalol Junction
Rajkot Div. Western Rly.
Resi; House No.Sg.33-B
Railway Colony
Kalol (N.G)

.... Applicant.

(Applicant-in-person)

versus

1. Union of India
(Notice to be served through
General Manager,
Western Railway,
Churchgate, Bombay-20.
2. Chief Signal and Tele-
Communication Engineer
(Establishment), Western
Railway, Churchgate, Bombay-20.
3. Chief personnel Manager (Estt.)
Western Railway,
Churchgate, Bombay-20.

..... Respondents.

(Advocate; Mr. R.M. Vin)

ORAL ORDER

O.A.No. 272/93
with
M.A.No. 595/93

Date; 27.11.1997.

Per; Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

The applicant has not been appearing on a number of occasions. He had earlier engaged Mr. G.A. Pandit, who had unfortunately expired. He was told to engage a new counsel and a number of notices had been sent to him as per orders in O.A.312/90 where he has also the applicant. He has not been present in person nor has he engaged new counsel. In view of this, we hold no useful purpose will be served by granting more

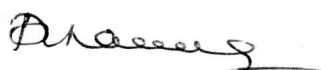
adjournments particularly as this is an old matter and we therefore, proceed to dispose of the O.A. on the basis of the materials available on record and with the assistance we have received from Mr. Vin, the learned Standing Counsel for the Railways.


2. The applicant has challenged his position in the seniority list of Signal Inspector Grade-II (S.I.Gr.II) where he had been brought down as ~~component~~^{compared} to the position in the list of Signal Inspector Gr. III. The post of Signal Inspector Gr. II are filled in on the basis of seniority-cum-suitability from signal Inspector Gr.III and the suitability of the employees is judged on the basis of passing promotional course at Indian Railways Institute of Signal Engineering and Telecommunication, (IRISET), Secundrabad and examination of Confidential Reports. In the special circumstances^{in 1980} the posts ^{were} are filled in by holding a written test and examination of Confidential Reports after obtaining Railway Board's approval for those who had not passed the promotional post and ² written test was ordered. The applicant had passed in the written test conducted in 1980 on the basis of one time exemption permitted by the Board for promotion of S.I. Gr.II without passing the promotional course at IRISET Secundrabad. He contends that some others who had also not passed the promotion course were given higher seniority as compared to him. The Railway Administration contend that the applicant's Confidential report for the relevant years were adverse and therefore, he was not held fit for promotion by

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the competent authority. Subsequently when his Confidential Report was assessed ^{it was found} as fit for promotion he was promoted to the level of Signal Inspector Gr.II with effect from 26.3.82 and he has been assigned seniority on the basis of the date of entry at that level. The applicant has taken the plea that some of the adverse remarks in the relevant period namely 1977-78 and 1980 were not communicated to him. He says that only the adverse remarks of 1978 were received and he had represented but got no reply. He has not denied that adverse remarks of 1978 were communicated to him. The promotion relating to the level of Signal Inspector was done in 1982 and he was assigned seniority on the basis of date of entry in the grade. He has filed some representations from 1986 onwards and has approached the Tribunal only in 1993. The Hon'ble Supreme Court has clearly laid down that Government officials should approach the Court in time regarding grievance pertaining to seniority and if there is considerable delay the same should not be entertained as it will result in serious dislocation to administration and uncertainty to the other officials.

3. Keeping in view the circumstances of the case and the laches of the applicant, we hold that this O.A. deserves to be dismissed. We accordingly dismiss the same. No order as to costs. M.A.595/93 also stands disposed of.


(P.C. Kannan)
Member(J)


(V. Ramakrishnan)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

Application No. 09/372/93

Transfer Application No.

CERTIFICATE


Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Date:-- 12/12


Signature of the Dealing
Assistant

Countersign:--

Section Officer


24/12/92

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