

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

JODHPUR

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Date of Order : 16.01.2002.

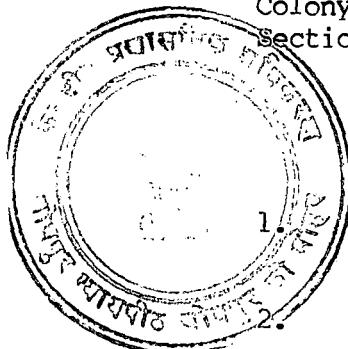
ORIGINAL APPLICATION NO. 307/1999

1. Deepak Mathur S/o Sh. Durgalal Mathur aged 42 years, post held D/H/Khallas (E).
2. Kamleshwar Chaubey S/o Shri S.D.Chaubey aged 40 years, post held D/H/Khallas (E).
3. Udaivir Singh S/o Shri Brig Pal Singh aged 41 years, post held D/H/Khallas (E).
4. Madan Gopal S/o Shri Mohan Lal aged 38 years, post held D/H/Khallas (E),
5. Harish Chand S/o Shri Hati Prasad aged 39 years, post held D/H/Khalasi (E).

Address : C/o Kameleshwar Chaubey, Qtr. No. D. L. 8-H, Diesel Railway Colony, Bhagat Ki Kothi, Jodhpur, Official Address : Office of the Senior Section Engineer (General), Diesel Shed, Bhagat Ki Kothi, Jodhpur, N.Rly.

VERSUS

.....Applicants.



1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Assistant Personnel Officer, Northern Railway, Jodhpur Division, Jodhpur.
3. Senior Divisional Mechanical Engineer (Diesel), Jodhpur Division, Jodhpur, Northern Railway.
4. Sh. Narayan Lal, Electrical Fitter, through Senior Section Engineer (General), Diesel Shed, Bhagat Ki Kothi, Jodhpur, N.Railway.
5. Shri Devi Singh
6. Shri Abdul Rashid.
7. Shri Daya Ram
8. Shri Jai Singh
9. Shri Manohar Singh
10. Shri Manqal Das
11. Shri Babu Lal
12. Shri Shiv Karan
13. Shri Ravinder Singh
14. Madan Lal Yadav

15. Ramesh Chandra S/o Shri Mishri Lal

Respondents No. 5 to 15 : Diesel Elect. Helper Khallasi,  
Through Senior Section Engineer (General), Dieselshed, Bhagat Ki  
Kothi, Jodhpur, N/Rly.

.....Respondents.

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CORAM

Hon'ble Mr. Justice O.P.Garg, Vice Chairman

Hon'ble Mr. A.P.Nagrath, Administrative Member

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Mr. J.K.Kaushik, Counsel for the applicants.

Mr. Salil Trivedi, Counsel for the respondents No. 1 to 3.

Mr. S.K.Malik, Counsel for the respondents No. 5 and 12.

None is present for the other private respondents.

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PER HON'BLE MR.A.P.NAGRATH :

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, applicants pray for the following reliefs :-

(i) That the impugned order dated 26.3.99 Annex. A/2, order dated 11.5.99 Annexure A/3 and order dt. 2.7.99 Annexure A/4, rejecting the claim of applicants may be declared illegal and the same may be quashed. The respondents No. 1 to 3 may be directed to assign due seniority to the applicants on the post of Diesel Elect. Khallasi from the date of their appointment/posting after following the rules for change of category and allow all consequential benefits including consideration of their promotions at par with their next junior and interpolation of the names in the impugned seniority list accordingly dated 22.1.99 Annexure A/1.

(ii) That any other direction, or orders may be passed in favour of the applicants which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

(iii) That the costs of this application may be awarded."

2. A reading of the impugned orders makes it clear that the applicants



were absorbed as Diesel Khalasies (Elect) vide order dated 6.12.1991. They are claiming their seniority as Diesel Khalasies from the date of their appointment after following the rules for change of category. At the time of hearing, the learned counsel for the applicants could not place before us any document to prove that the department had not followed the rules while assigning the seniority to the applicants. The learned counsel stated that the applicants were granted seniority w.e.f. 6.12.1991 instead of 1986. The learned counsel has also mentioned that the applicants have challenged the date of seniority of the private respondents No. 4 to 15 as they have been redeployed from other cadres in the Diesel Shed.

3. In respect of seniority from dates prior to 6.12.1991, in our considered view, the applicants' case is hopelessly barred by limitation as prescribed under section 21 of the Administrative Tribunals Act, 1985. In case, the applicants were aggrieved by the order dated 6.12.1991, they were expected to take recourse to legal remedy within one year from the date of that order. Having failed to do that the applicants cannot now make a grievance at such a belated stage. In fact, the applicants are guilty of making a wrong declaration in para 3 of the O.A. mentioning that 'the O.A. is within limitation period'.

4. With the above position having emerged against the applicants, the learned counsel on their behalf admitted that the applicants have no case in so far as the redeployed surplus staff from other cadres are concerned.

5. We, therefore, dismiss this application as hopelessly barred by limitation. However, there shall be no order as to costs.

*.....*  
(A.P.Nagrath)  
Adm.Member

*.....*  
(Justice O.P.Garg)  
Vice Chairman

Received  
Dr. Gaur  
18/1/2002

sent  
21/1/02

Received copy.  
on 21/1/2002  
Dr. Gaur  
(Dayanand)

Part II and III destroyed  
in my presence on 26-6-07  
under the supervision of  
Section Officer 11 as per  
order dated 14-5-07  
Section Officer Record