

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

ORDER SHEET

Notes of the registry	Orders of the Tribunal
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O.A. No. 290/00407/15
(Jasan Lal Salwan vs UOI & Ors)
Date of Order : 15/10/2015

Mr R.K. Mishra, Counsel for Applicant.

The OA is filed seeking following relief(s):

- (1) By an appropriate order or direction the respondents may kindly be directed to determine the vacancies yearwise which were filled up by SC/ST employees not considering the roster attached with cadre strength post as envisaged by the Hon'ble Supreme Court of India in the matter of Ajit Singh II, R.K. Sabarwal and M. Nagraj and accord promotion to left out general candidates applicant with retrospective effect.
- (2) By an appropriate order or direction the respondent may be directed to complete the proposed action in relief No. 1 and then issue the revised pension order with all consequential benefits and arrear of pay and pension.

The matter has been taken up for consideration for admission today. On perusal of the material on record, we find that the applicant entered in service as Goods Clerk and he got promotion to the post of Goods Supervisor in the pay scale of Rs 5500-9000 w.e.f. 18.06.1994 and after attaining the age of superannuation retired on 31.10.2002. The applicant is claiming the benefit on the basis of Supreme Court judgments viz. Ajit Singh Juneja II vs. State of Punjab (1997) 7 SCC 209 decided on 16.06.1999 and R.S. Sabharwal vs. State of Punjab (1995) 2 SCC 745. The applicant also aggrieved by the seniority list dated 30.11.2000(Annex. A/2). According to the applicant, the persons named in the Original Application were junior to him whereas they have been shown senior in the aforesaid seniority list. It has been contended that the applicant was senior most Goods Supervisor and eligible for promotion to the post of Chief Goods Supervisor and since the Hon'ble Apex Court has settled the principle of reservation, the respondent-department ought to have accorded promotion to the applicant vis a vis his junior SC/ST employee who were given accelerated promotion. It is also contended that the respondent department failed to act on his


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arbitrarily left out in promotion to the post of Chief Goods Supervisor.

Admittedly, the juniors of the applicant were promoted on 12.04.1994, 03.1994, 12.09.1994 and 06.05.1994 as Chief Goods Supervisor. The date of promotions of incumbents junior to the applicant dates back to the year 1994 but the applicant did not care to challenge those promotions at appropriate time. Moreover, the applicant is seeking benefit of principles laid down by the Hon'ble Apex Court in Ajit Singh Juneja II vs. State of Punjab (1997) 7 SCC 209 decided on 16.06.1999 and R.S. Sabharwal vs. State of Punjab (1995) 2 SCC 745 which were pronounced and published long back in the year 1999 and 1995. Therefore, the respondent authorities rightly rejected the representation of the applicant vide Annex. A/1 dated 11.08.2015 while taking into account the fact that the applicant failed to challenge the seniority list at appropriate time and there is inordinate delay of 15-20 years in challenging the promotions and seniority list.

Therefore, we do not find any sound reason to interfere with the seniority list and orders of promotion issued long back, therefore, Original Application lacks merit and hence, we are not inclined to issue notices to the respondents. Accordingly, Original Application is dismissed in limine.


[Meenakshi Hooja]
Administrative Member


[Justice Harun-Ul-Rashid]
Judicial Member