

Central Administrative Tribunal
Calcutta Bench

OA No.1214/97

10-06-05

Present : Hon'ble Mr.N.D. Dayal, Member (A)
Hon'ble Mr.K.B.S. Rajan, Member(J)

Purna Chandra Ghosh, S/o Late K.C. Ghosh, retired as IOW Gr.I, Metro Rly, Calcutta 71 at present residing at 10/1/34 K.K. Road, P.O. Bhadrakali, Dist. Hooghly

-Vg-

- 1) Union of India, Service through General Manager, Metro Rly, 33/1, Chowringhee Road, Calcutta-71
- 2) General Manager, Metro Rly, -do-
- 3) General Manager, S.E. Rly, GRC, Calcutta – 43
- 4) Chief Engineer, Metro Rly, Calcutta – 71
- 5) Sr. Personnel Officer, Metro Rly, Calcutta – 71

For the applicant : Mr.B.C. Sinha, Counsel

For the respondents : Ms K. Banerjee, Counsel

Date of Order :

ORDER

Mr.K.B.S. Rajan, JM

The grievance of the applicant is that despite he having been empanelled in the list of promotees in the grade of CIOW in his parent department i.e. South Eastern Railway, vide order dated 01-12-1992 (Annexure A-1) and despite his case recommended and approved for promotion to the post of CIOW in Metro Railway, where he was on deputation, vide noting at Annexure A-4, he was not promoted and he had to

superannuate in the grade of IOW Grade I. Hence, he has asked for inter alia the following relief(s):-

To direct the respondents to grant the benefit of promotion as CIOW in scale of Rs 2,375/- - 3,500 (RPS) and all consequential benefits including retrial benefits.

2. The Facts Capsule:

(a) The applicant was initially appointed on the S.E. Rly on 28-02-1958 as A.I.O.W/IOW Gr. III. He was later on promoted as IOW Gr. II in March, 1979 and as IOW Gr. I in Jan 1986. Later on, he was posted on deputation to Metro Railways, where he was functioning. While so, on 01-12-1992, the S.E.Railways brought out a promotion list, whereby, among others, the applicant was also promoted to the post of Chief Inspector of Works in the grade of Rs 2,375-3,500/- and was posted to Bilaspur. However, as the applicant was on deputation to Metro Railways, he could not join so.

(b) The applicant had requested the Metro Railway Authorities for promotion in Metro Railways itself in the grade of CIOW and his request was considered and the Executive Engineer recommended for such promotion against one existing vacancy. This recommendation was considered at the Chief Engineer level, who had endorsed, "Promoted, if any vacancy exists". Endorsement dated 4-12-1992 annexed as Annexure A-4 refers.

(c) Though the above approval of the C.E. was accorded, the applicant could not be promoted and meantime, he had superannuated on 31-12-1992.



(d) On his filing the OA, the same was contested by the Respondents, who have filed their counter reply. According to the respondents, Metro Railways have separate set of seniority and procedure for promotion etc., and the applicant cannot claim as of right for promotion to the post of CIOW on the basis of his promotion in his parent department and he was at liberty to go back to his parent Railway to avail of any promotional benefit. The noting and comments of the officers of Engineering Department are not order for promotion. Hence, the same cannot be acted upon by the Personnel Branch.

3. The case was heard. The counsel for the applicant stated that in view of the fact that he had just one month to superannuate, he could not revert back to his parent department and it would have been appropriate if the respondents had accommodated him as CIOW in accordance with the noting of the Chief engineer against the existing vacancy. On the other hand the respondent's contention is that the Metro Railway is guided by different set of seniority, promotion etc., And that the noting cannot be termed as a promotion following the due procedure. However, it is noted that the Metro Railways had not communicated the final result to the applicant on time, in which event, the applicant would have moved to Bilaspur to take over as CIOW in accordance with the order dated 01-12-1992, Admittedly, the applicant's selection as CIOW is only in the S.E.R. and he was staking his claim in Metro. True, some recommendations were there in the noting but the same had not been acted upon and the applicant also superannuated. Perhaps, the applicant would have chosen to get himself repatriated to his parent cadre before his retirement had the respondents informed him on time that his request for

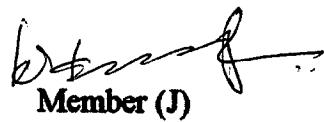


promotion as CIOW was not acceded to. This had not been done. The question is as to whether the absence of communication on time of the rejection of the request of the applicant by the Metro Railways, whether any legal right of the applicant has been hampered with. The answer is, of course, 'NO'. The applicant ought to have pursued the matter himself and after ascertaining the position well in time he should have made up his mind whether to continue in Metro Railways or to get himself repatriate, which he had not done for reasons best known to him.

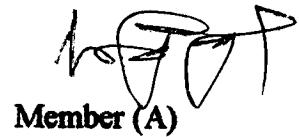
4. Again, on limitation too, there has been considerable delay in filing the OA and there has been no application for condonation of delay.

5. In view of the above, the OA being hit by limitation on the one hand and also being devoid of merits, merits only dismissal, which we accordingly order. Though the applicant in the OA has also tried to ventilate his grievances as to wrong fixation of pay as IOW Gr II and accordingly asked for certain payments of arrears as the same is not consequential to his main prayer contained in para 8(a) of the OA the same is rejected in view of the legal position that multiple relief cannot be claimed in a single O.A.

6. In the result, the OA is dismissed; however without any order as to cost.



Member (J)



Member (A)