

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No.1227 of 1997

Present: Hon'ble Mr. Justice G.L. Gupta, Vice-Chairman
Hon'ble Mr. B.P. Singh, Administrative Member

Radhika Ranjan Mitra, S/o late Debendra Nath Mitra, retired Sr. Stores Officer (I), S.E. Rly., Garden Reach, Calcutta residing at Bidhan Palli, Kharida West Ward No.13, P.O. & PS Kharagpur, Dist Midnapore

... Applicant

VS

1. Union of India, service through General Manager, S.E. Rly., Garden Reach, Calcutta-43

2. General Manager, S.E. Rly., GRC Calcutta-43

3. Chief Personnel Officer, S.E. Rly. GRC, Calcutta-43

4. Controller of Stores, S.E. Rly. GRC Calcutta-43

5. Secretary, Ministry of Rlys. Bd. New Delhi-1

... Respondents

For the Applicant: Mr. B.C. Sinha, counsel
For the Respondents: Mr. K. C. Saha, counsel

: : Date of order: 21.12.01

O R D E R

Per Mr. Justice G. L. Gupta, Vice-Chairman

Applicant was appointed in Stores Department of the S. E. Railway on 20.2.58 and he was promoted to the rank of Sr. Stores Officer. He was also promoted to the post of Assistant Controller of Stores vide order dated 8.2.88. Thereafter, he was placed under suspension with effect from 12.12.88 and that order was revoked on 12.10.89. The case for the applicant is that his name was at Sl.No.1 in the seniority list of the Group 'B' Officer eligible for induction in Group 'A' of Stores Department and while he has not been given

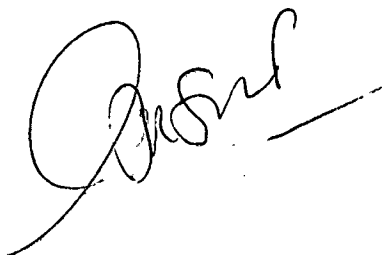
promotion, his juniors have been given promotion. He says that his immediate junior Shri S.K.Mondal was promoted in August, 1991 and the applicant was deprived of the said promotion and he was given promotion only in 1994 and thereafter the applicant retired on 31.10.96. He filed this OA after retirement on 31.12.97 praying for direction to the respondents to grant proforma seniority and proforma pay from the date his junior got and also to appoint him substantively in the scale of Rs.2200-4000/- in Group 'A' of the Indian Railway Service Stores.

2. In the reply the respondents have resisted the claim of the applicant. It has been stated that the applicant has been considered in all the years of 1991-92, 1992-93 and 1993-94, but he was not found suitable, yet on the basis of his performance from 1.4.94 to 31.10.94 he was given ad hoc promotion.

3. We have heard the learned counsel for the parties and perused the records of the case.

4. Mr.Sinha contended that the applicant ought to have been given promotion from the date his junior got it. His main emphasis was that if the applicant was found suitable for promotion in June, 1994, there could not be any reason to deprive him promotion in the vacancy of 1993-94.

5. Mr. Saha, learned counsel for the respondents, on the other hand, contended that the application is barred by time and should be rejected on this ground alone. He pointed out that



the applicant never challenged earlier orders passed from 1991 to 1994 and therefore, he now cannot claim promotion from retrospective effect after his retirement.

6. We have given the matter our thoughtful consideration. It is obvious that the applicant was not given promotion against the vacancies of 1991-92 and 1992-93 as he was not found suitable. He was also not found suitable for the vacancies of 1993-94. The applicant could very well challenge his supersession when he was denied promotion for the year 1994. He having failed to do so cannot be permitted to question his supersession after his retirement in 1997.

7. The promotion on regular basis from Group 'B' to Group 'A' is made on the basis of the merit, whereas the ad hoc promotion may be given on the basis of the seniority cum fitness. The applicant was not found fit for promotion on regular basis upto January, 1994. It seems that the respondents were sympathetic towards the applicant and they gave him ad hoc promotion in November, 1994, so that the applicant may be benefited in his pension. The ad hoc promotion given to the applicant in November, 1994 does not entitle him promotion from the earlier period on regular basis. As already stated, he was considered along with other eligible candidates, but he was not found suitable. If the applicant wanted to challenge the date of his promotion from November, 1994 he should have approached this Tribunal within limitation of the said order. He kept mum for three years and waited for his retirement. He filed this OA one year after the date of retirement. No relief can be granted to such a person who was indolent and was not vigilant for his rights.