

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA NO. 239 OF 97

Present : Hon'ble Dr. B.C.Sarma, Member (A)

Hon'ble Mr. D. Purakayastha, Member (J) \

Chitta Ranjan Das  
Ex Mail Driver, Howrah,  
Vill. Naldanga Narayanpur  
Govt. Colony, Plot No. 139,  
P.O. Bandel, Dist. Hooghly.

VS

1. Union of India through the  
General Manager, E.Railway,  
Fairlie Place, Calcutta-1
2. The General manager,  
E.Rly. Fairlie Place, Calcutta-1
3. The Chief Personnel Officer,  
E.Rly. Fairlie Place, Calcutta-1
4. The Chief Mechanicala Engineer,  
E. Rly. Fairlie Place, Calcutta-1
5. The Divisional Rly. Manager,  
Howrah, Eastern Railway
6. The Sr. Div. Personnel officer,  
Howrah, Eastern Railway,
7. The Div. Mechanical Engineere (Power)  
Howrah, E. Railway.
8. Sr. J.N.Das, Ex-Mail Driver,  
E. Railway under Chief Mechanical  
Engineer, E.Rly. Calcutta  
..... Respondents

For the petitioner : Mr. Samir Ghosh, Counsel

For the respondents : Mr. C.Samadder, Counsel

Heard on : 13.1.98 : Order on : 13.1.98

O R D E R

B.C.Sarma, A.M.:

This application has been filed by the applicant raising a grievance about non-granting him promotion to the post of Passenger Driver under the Eastern Railway although he was selected for the said post and also allowing such promotion to his junior i.e. respondent No. 8. The application is <sup>also</sup> directed against non-according appropriate seniority to the applicant.



2. Mr. C.Samadder, the learned counsel for the respondents entered appearance and makes a prayer for granting him more time to file reply.

3. We have heard the learned counsel for both the parties and have perused the relevant records. We are of the view that this is a matter in which the application can be disposed of at the stage of admission itself without having a reply from the respondents.

4. The substantive prayer made by the applicant in this case is about grant of promotion to him to the post of Passenger Driver when he was selected for the post. We find that a disciplinary proceeding was instituted against the applicant by a charge-memo dt. November 1985 and a penalty was imposed upon him pursuant to the said charge-memo for withholding of annual increments for a period of 3 years with non-cumulative effect. However, the applicant was selected for the post of Passenger Driver earlier than the date of issue of the charge-memo.

5. Whatever that may be, the applicant's cause of action in this matter for not granting him promotion arose after the period of penalty was over and accordingly it appears from Annexure-A to the applicant that he started representing to the authorities concerned. Mr. Samir Ghosh, the learned counsel for the applicant submits that the prayer of the applicant was rejected only by the letter dt. 17.10.96 and therefore it is not a belated claim. We are not ~~influenced~~ <sup>impressed</sup> by the said submission of Mr. Ghosh. His own annexure (Annexure-H) shows that he was once again informed by the letter dt. 17.10.96 and this letter bears reference to the earlier letters dt. 26.2.90, 19.6.90 and 10.8.94. The applicant has retired on attaining the age of superannuation in October 1995. We are, therefore, of the view that he has made a stale claim and the case is hopelessly barred by



limitation. This is liable to be dismissed at the stage of admission.

6. For the reasons given above, we do not find any merit in the application. We are of the view that the application is hopelessly barred by limitation. This is a stale claim and accordingly the application is dismissed at the stage of admission hearing without passing any order as to costs.



(D.PURAKAYASTHA)

MEMBER (J)



(B.C.SARMA)

MEMBER (A)