

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.132/92

DATE OF DECISION: 13.7.93

G.Balasubramanian .. Applicant
Mr.M.Ramachandran .. Advocate for the Applicant

vs.

1. Union of India, represented
by the General Manager,
Southern Railway,
Madras.
2. Divisional Railway Manager,
Southern Railway, Palakkad Division,
Palakkad.
3. The Divisional Personnel Officer,
Southern Railway,
Palakkad Division,
Palakkad.
4. K.Viswanathan
5. K.Mohanan

.. Respondents

Mr.M.C.Churian .. Advocate for the Respondents 1 to 3.

CORAM:

THE HON'BLE MR.JUSTICE C.SANKARAN NAIR, VICE CHAIRMAN

THE HON'BLE MR.R.RANGARAJAN, ADMINISTRATIVE MEMBER

JUDGEMENT

C.SANKARAN NAIR(J),VICE CHAIRMAN:

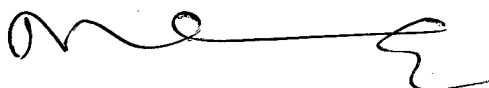
Applicant challenges the rank assigned to him in Annexure-III seniority list. Other ancillary reliefs, also are sought. The crux of the matter is whether the rank assigned to Respondents 4 and 5 and others over the applicant, should now be disturbed.

2. Applicant started his career as a humble Gangman in 1967, became Traffic Porter in 1978, a Ticket Collector sometime in 1982 and in due course a Travelling Ticket Examiner on 17.11.1985. Some persons in the Loco Mechanical Wing were rendered surplus on dieselisation, and they were brought into the category of Ticket Collectors. Then began the troubles

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of the applicant. Respondents 4 and 5 and others obtained a higher ranking. Ext.R1 seniority list of the year 1987 shows that these respondents 4 and 5 were placed at Sl.Nos.146 and 160, while the applicant was at Sl.No.163. The same position continued in Annexure-III seniority list now under challenge. It is said that seniority was determined on the basis of the time of passing a trade test. The one who passes earlier takes precedence over one who passes later. Unfortunately, the reply statement does not state on what principle or on what rule this was so ordained. But, that need not detain us, as the matter must turn on another issue. Applicant has not effectively challenged the ranking made in 1987 at any time prior to this application. Under a different disguise, he is challenging the ranking which is reflected in Annexure R1 list. Not having challenged it then, applicant should not be allowed to do so. The sit back rule indicated by the Supreme Court in Ravindra Nath Bose & others vs. Union of India and others, (AIR 1970 SC 470) stands in the way of the applicant from doing so. This principle finds further affirmation in Ratan Chandra Samanta and others vs. Union of India (JT 1993(3)SC 418).

3. We dismiss the application on the short ground of delay, without expressing any opinion on other contentions. No costs.



R.RANGARAJAN
ADMINISTRATIVE MEMBER



C.SANKARAN NAIR(J)
VICE CHAIRMAN

Dated the 13th July, 1993.

List of Annexures:

1. Annexure-III
2. Exhibit R1

No.J/P 612/II/TC/II dated 23.7.1990
issued by the 2nd respondent.
True copy of the relevant portion
of provisionial seniority list,
together with the covering letter
dated 25.5.87/6.7.87.

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