

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 343 of 1996

Thursday, this the 21st day of March, 1996

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

P. Prabhavathy,
W/o D. Balachandran,
Office Superintendent Grade II,
Personnel Branch, Southern Railway,
Divisional Office, Trivandrum
Residing at TC 30/1136/1,
Dwaraka, Ambalathumukku,
Pettah, Trivandrum-24

.. Applicant

By Advocate Mr. TC Govindaswamy

Versus

1. Union of India through
the General Manager,
Southern Railway,
Headquarters Office, Park Town PO,
Madras-3
2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office, Park Town PO,
Madras-3
3. The Divisional Personnel Officer,
Southern Railway,
Trivandrum Division,
Trivandrum-14

.. Respondents

By Advocate Mrs Sumathi Dandapani

The application having been heard on 21st March, 1996, the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant seeks a direction to respondents to
promote her with effect from 21-12-1989. She was promoted
only on 12-9-1992.

2. According to applicant, she is eligible to be
promoted with effect from 1989. She formed this opinion,

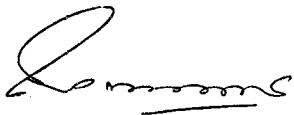
...2...

after knowing of an order of a Bench of this Tribunal in OA 1563/92, granting retrospective promotion to another employee. A person cannot gather his own grievances from events happening to others. If he has a claim, he must advance it, and seek redress in time. Collateral fact of a gain by another, will not invest a cause of action in an applicant.

3. A5 order states that applicant could not have been promoted in 1989, as she had failed in the qualifying written test. It states further that applicant failed in the written test held in 1990 also. In 1991, she decided not to take the test. In this background, she can lay no claim to promotion in 1989. Applicant is asking for what she is not eligible to get, because her candidature was rejected in 1989 and 1990 in terms of the rules. Even in cases where there was once a valid cause of action, time defeats not only the remedy but the right also. The decisions in Bhoop Singh Vs. Union of India & Others (AIR 1992 SC 1414), State of Maharashtra Vs. Digambar (AIR 1995 SC 1991), and State of Orissa Vs. Dhober Sethi & Another (1995 (5) SCC 583) are authorities for the proposition.

4. We dismiss the application. Parties will suffer their costs.

Dated the 21st March, 1996



S.P. BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ak/21.3

LIST OF ANNEXURE

1. Annexure A5: A true copy of the letter No.P(GS) 535/
XII/Dn/Court dated 30.1.96 issued by the 2nd respondent.

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