

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.39/04

Thursday this the 15th day of January 2004

C O R A M :

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

Thankamma Chakkappan
Head Clerk, Works Branch,
Southern Railway, Palghat.

Applicant

(By Advocate M/s.K.Manoj Chandran)

Versus

1. The Chief Personnel Officer,
Southern Railway, Chennai.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat.
3. The Divisional Personnel Officer,
Southern Railway, Palghat.
4. Union of India, through the
General Manager,
Railway Head Quarters Office,
Chennai - 3.

Respondents

(By Advocate Mr.Thomas Mathew Nellimootil)

This application having been heard on 15th January 2004
the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant who was appointed as a Junior Clerk in the Central Railway in Grade Rs.260-400/- on 20.11.1979 got a mutual transfer to Palghat Division with one P.N.Sobha who though appointed as a Junior Clerk in the year 1980 was promoted as Senior Clerk but had got reverted as Junior Clerk for the purpose of being transferred to Mumbai Division. The applicant was placed below all the Senior Clerks and therefore she made a representation stating that she should have been assigned the seniority position of person with whom she exchanged places according to the rules in regard to mutual transfer and that she

could not have been placed below persons who commenced services as Junior Clerk after P.N.Sobha. Her representation was ultimately turned down by order dated 23.6.1995 telling her that the placement of the applicant as Junior to all the Senior Clerks on the date she joined Palghat Division was perfectly in order and also indicating that even if there had been any grievance the settled position of seniority would not be unsettled after a lapse of long years and had become final. The applicant made a representation in 1996 again claiming revision of seniority followed it up with another representation in the year 1998 and with yet another representation in the year 2001 and then in 2003. Finding no response the applicant has filed this application for a direction to the 1st respondent to consider and pass appropriate orders on her appeal Annexure A-5.

2. Learned counsel for the applicant states that once an appeal has been made against the order rejecting applicant's request for seniority the competent authority has an obligation to dispose of the appeal and therefore the application is within time.

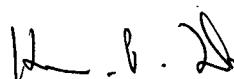
3. Learned counsel for the respondents, on the other hand, argued that the case of the applicant that she is entitled to seniority is devoid of any merit as she has been rightly placed below all those who had been in position as Senior Clerks as on 27.8.1982 the date on which the applicant joined the Palghat Division of the Southern Railway as Junior Clerk. The counsel further stated that since the request of the applicant for revision of seniority had been turned down by impugned order dated 23.6.1995 in which it was stated that she had no case, and

that even if there was any claim, it was barred by limitation, this application which is hopelessly barred by limitation is liable to be rejected under Section 19(3) of the Administrative Tribunals Act.

4. After hearing the learned counsel and perusing the materials on record we find that there is substance in the argument of the learned counsel of the respondents that the application is time barred as the grievance of the applicant regarding seniority arose in the year 1982. She agitated the issue very late and ultimately she was told by Annexure A-4 order dated 23.6.1995 that there was no merit in the claim and the seniority settled could not be unsettled. The applicant did not challenge that order within the time stipulated under Administrative Tribunals Act. Even though the applicant made repeated representations that would not keep the cause of action alive. It is well settled by a catena of rulings of the Apex Court that repeated unsuccessful representations would not enlarge the period of limitation. The authority on point can be had in the ruling of the Hon'ble Supreme Court in S.S.Rathore Vs. State of Madhya Pradesh reported in AIR 1990 SC 10.

5. In the light of what is stated above the application which is barred by limitation is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

(Dated the 15th day of January 2004)



H.P.DAS
ADMINISTRATIVE MEMBER



A.V.HARI DASAN
VICE CHAIRMAN