

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 276 of 1991.

this the 26th day of October'99.

HON'BLE MR D.C. VERMA, MEMBER(J)

HON'BLE MR A.K. MISRA, MEMBER(A)

Gur Saran Lal Nigam, aged about 53 years, s/o Sri Shyam Lal Nigam, R/o 363/166, Hasanganj, Bawli behind Masni Devi Mandir, Shadatganj, Lucknow presently working as Chargeman 'B' Electrical maintenance Section, R.D.S.O., Lucknow.

Applicant.

By Advocate: None.

Versus.

Union of India through Secretary Ministry of Railways, Govt. of India, New Delhi.

2. Director General, Govt. of India, Ministry of Railways, R.D.S.O., Lucknow.

3. Mr. Surendra Kumar Soni, Chargeman 'B' Electrical maintenance Section, R.D.S.O., Lucknow.

Respondents.

By Advocate: Sri Anil Srivastava.

O R D E R (O R A L)

D.C. VERMA, MEMBER(J)

By this O.A., the applicant-Gur Saran Lal Nigam has claimed seniority over the respondent no.3-Sri Surendra Kumar Soni on the post of Chargeman 'B' Electrical Maintenance Section, R.D.S.O., Lucknow.

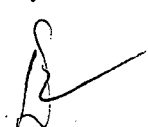
2. The claim of the applicant is that he was initially appointed as skilled Electrician on 11.9.67 whereas ^{as Skilled Refrigerator Mechanic} the respondent no.3 was appointed on 07.1.71. Consequently, considering the date of appointment, the applicant was senior to the respondent no.3. However, the applicant has been shown junior to the respondent no.3 in the category of highly skilled fitter Gr-I.

3. We have ^{heard} the learned counsel for the respondents have gone the pleadings on record.

4. The respondents have contested the claim of the

applicant by filing a Counter reply. The respondents' case is that the incumbents of highly skilled fitter Gr.II and highly skilled Refrigerator mechanic Gr.II was promoted to highly skilled fitter Gr.I. Thereafter common seniority was maintained w.e.f. the date of promotion in the grade of highly skilled fitter Gr.I and highly skilled Refrigerator mechanic Gr.I. It was submitted that seniority in the cadres of Gr.II were maintained separately. Therefore, there was no interse seniority between the applicant and the respondent no.3 for the post of highly skilled fitter Gr.II or highly skilled Refrigerator mechanic Gr.II. As per strecial made in para 15 of the Counter reply the applicant was promoted to the post of highly skilled fitter (electrical) Gr.II on 22.12.74; whereas the respondent no.3 Surendra Kumar Soni was promoted as highly skilled Refrigerator mechanic Gr.II on 16.2.74. Thus, the respondent no.3 was promoted as highly skilled Refrigerator mechanic Gr.II on an earlier date. The promotion of the respondent no.3 to Gr.II from an earlier date was not challenged by the applicant. Thus, the position regarding promotion of respondent no.3 to Gr.II on 16.2.74 remains unchallenged. The applicant and the respondent no.3 both were promoted on the post of highly skilled fitter(electrical)/highly skilled Refrigerator mechanic Gr.I on 1.8.78. Thus, the promotion of the applicant and the respondent no.3 to Gr.I was on the same date. As the respondent no.3 had been promoted to Gr.II on an earlier date, the respondent no.3 was placed senior to the applicant. By Annexure-23 dated 16.3.89/7.4.89 both, the applicant and the respondent no.3, were promoted as Master Craftsman by a single order. The learned counsel for the respondents has submitted that the applicant retired from the post of Master Craftsman on 30.11.96.

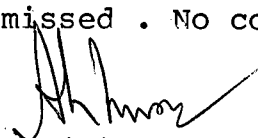
5. We find that as the promotion of the respondent no.3 to Gr.II on an earlier date in the year 1974 was not challenged by the applicant, the settled position cannot be

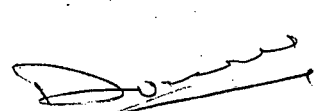


unsettled after two decades as held by the Hon'ble Supreme Court in the case of B.S. Bajwa Vs. State of Punjab 1998 SCC (L&S) 284.

6. The cause of action arose to the applicant in the year 1974. After lapse of so much time, O.A. cannot be filed before this Tribunal in view of the provisions of limitation provided under Section 21 of the AT Act. 1985.

7. In view of the above, we find that the claim of the applicant has no merit. The claim of the applicant is also barred by laches and limitation. Accordingly the O.A. is dismissed . No costs.


Member(A)


Member(J)

Lucknow:dated: 26.10.99.

G.S.