

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
LUCKNOW

Lucknow this the 30th day of June, 99.

o.a. No. 302/92

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

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

Sri Narendra Nath Misra, aged about 51 years son of late Banwari Lal Misra resident of 36/171, Mata Deen Road, Saadatganj, Lucknow.

Applicant

None for applicant.

versus

1. Union of India through Secretary, Department of Railways, New Delhi.
2. G.M. N. Railway Baroda House, New Delhi.
3. d.r.m. N. Railway, Lucknow.
4. Assistant Personnel Officer, N. Railway, Lucknow.
5. Sri Rajit Ram, T.L.F. Grade I, Northern Railway C/o S.E.F.O., T.L. B.S.B. Northern Railway, Varanasi.
6. Sri R.K. Sukla, T.L.F. Grade I, Northern Railway, Charbagh, Lucknow.

Respondents.

By Advocate Shri S. Verma.

O R D E R (ORAL)

D.V. VERMA, MEMBER(J)

The applicant, has by this O.A. claimed that he is senior to respondent No. 5 and 6 in the T.L.F. Grade I and has also claimed to be promoted to the post of T.L.F. Grade I since 22.12.79 when his juniors were promoted. Consequential benefits of arrears of difference of pay with interest have also been claimed.

2. As none has appeared for the applicant, we have, with the help of learned counsel for the respondents Shri S. Verma examined the pleadings and Annexurs attached thereto and we are of the

L

12

view that for thereasons dictated below the applicant is not entitled to any relief.

3. The seniority list of Train Lighting Fitters which was issued on 17.1.79 was revised on 23.5.79 whereby the applicant who was earlier placed at serial No. 82 was placed at serial No. 84-A. The respondents 5 and 6 namely Rajit Ram and R.K. Shukla who were earlier placed at serial No. 84 and 87 were assigned seniority at serial No. 82-A and 83-A respectively. A copy of the seniority list attached by the respondents with their counter affidavit as Annexure C-1. As per the recitals made in the C.A., the applicant made no representation against the said representation of seniority and thus, the order dated 23.5.79 by which the seniority was revised became final. This will mean that the applicant accepted his seniority position vis-a-vis respondents 5 and 6. Once the seniority list became final in the year 1979, the same cannot be challenged in the year 1992 i.e. after more than a decade. The seniority position once settled cannot be disturbed to the disadvantage of many others who may get affected by the lapse of time and who may have been further promoted to still higher grades by promotion or by selection. In view of this, the applicant cannot be allowed, by this O.A. to challenge the said seniority list which was revised vide order dated 23.5.79.

4. It is also seen that as per the relief claimed in the O.A. the applicant has claimed seniority w.e.f. 22.12.79 when his juniors were promoted. Even if the applicant's plea, for argument's sake, is accepted that his juniors were promoted on 22.12.79, it was for the

12

13

applicant to challenge the said order of promotion and claim his seniority by making a representation against the said order and then by filing a petition before the competent judicial forum. The C.A.T. came into existence after the Administrative Tribunals Act, 1985 came into effect w.e.f. 1.11.1985. As per the provisions under section 21(2) of the A.T. Act, the Tribunal has no jurisdiction to entertain a petition against the cause of action which arose three years prior to coming into force of the A.T. Act. The cause of action, if any to the applicant arose on 22.12.79 which is three years prior to coming into effect of the A.T. Act. In view thereof, this Tribunal has no jurisdiction to entertain this petition and grant relief as claimed.

5. In view of the discussions made above, we find that this Tribunal has no jurisdiction to entertain this petition in view of section 21(2) of the A.T. Act, and further the O.A. lacks merit. The O.A. is therefore, dismissed. Costs easy.


MEMBER(A)


MEMBER(J)

Lucknow; Dated: 30.6.99

Shakeel/