

In the Central Administrative Tribunal,

Patna Bench : Patna

Registration No. OA-329 of 1996

Date of Order:- 18.7.1996

Krishna Prasad .. Applicant

Versus

The Union of India & Others .. Respondents

Counsel for the applicant .. Mr. C.S.P. Sinha

Counsel for the respondents .. None

Coram:- Hon'ble Shri N.K.Verma, Member (A)

O R D E R

(Pronounced in open Court on dictation)

Hon'ble Shri N.K.Verma, Member (Administrative):-


1. Heard Shri C.S.P.Sinha, counsel for the applicant who has prayed in this O.A. for grant of proforma fixation of pay in a higher scale of pay of Rs.950-1500/- as has been ordered in the case of his junior according to Annexure-A/1 issued on 20.4.93. Shri Sinha stated that this case of recurring cause of action as the applicant is being denied the higher scale of pay since his juniors ~~(have been promoted as~~ Fitter in the Electrical Department of Railway and thus, no time-barred. During the course of arguments it emerged that the applicant was appointed as Electrical Khalasi on 22/23.2.84 in a substantive manner in the pay scale of Rs. 750-940. Thereafter, the applicant also got promoted as Khalasi Helper in the scale of Rs. 800-1150 on 2.3.1993, but he was not able to ^{be} selected as Fitter as per Annexure A-1 where his juniors were selected. Shri Sinha stated that this selection has

2.

been done through screening or some aptitude test taken by Shop-Superintendent/Foreman/Inspector. The applicant was not selected as Fitter and therefore, he has been sustaining loss of pay in the higher scale of pay since then.

2. After hearing Shri Sinha it is seen that the OA is actually aimed at giving benefit of promotion to the applicant in the shape of stepping up of his pay to the level of his juniors who have been selected in the higher scale of pay in the higher grade. Definitely the Fitter is a skilled post compared to the Khalasi Helper and as such, promotions are given only after holding some kind of test which was not held in the case of the applicant. Reasons why he was not called for the suitability test/screening test for the post of Fitter have also not been advanced. The cause of action arose on 20.4.93 when the promotion order of the other persons for the post of Fitter was issued by the Railway Respondents. In view of that context this application is barred by limitation and it is not a fit case for admission at this stage. The application is accordingly dismissed as time-barred.

SKS


(N.K.Verma)
Member (A)