

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 24.1.95.

OA 590/94

AJIT SINGH AHLUWALIA

... APPLICANT.

V/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. N.K. VERMA, MEMBER (A).

For the Applicant

... SHRI R.N. MATHUR.

For the Respondents

...

PER HON'BLE MR. N.K. VERMA, MEMBER (A).

In this application the applicant, who is an IOW in the Indian Railways, has sought directions from this Tribunal to assign seniority to the applicant on the basis of his initial appointment in the Western Railway in pursuance of the selection conducted in accordance with employment notice No.1/71-72 for category No.12 (AIOW), as per Annexure A-1. The applicant also requires direction for production of entire record regarding the selection and appointment of the applicant.

2. Shri R.N. Mathur, learned counsel for the applicant, strenuously tried to establish that the applicant was called for interview for the post of AIOW, categorised as Category No.12 as back as December, 1971, but he was offered a post of Estimator in the office of Deputy Chief Engineer, Western Railway, Kota. The applicant joined as Estimator on 30th July, 1973 and also represented to the Deputy Chief Engineer vide his representation dated 20th August, 1973 that he had applied for and was selected against the post of AIOW. The appointment order was brought to the office of the Deputy Chief Engineer, who kept it with him but assigned the post of Estimator to the applicant. The applicant requested to the Deputy Chief Engineer to post him as AIOW as per his choice in the field. Thereafter, in June, 1977, the applicant was promoted as a Senior Estimator and relieved from that office to join as a Senior Draughtsman in another office. He was relieved from this post also on 19.9.77. Thereafter, the applicant made a representation to the then Railway Minister

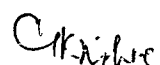
requesting him that the General Manager of the Railways should be directed to absorb him as IOW by changing of the category, as promised by the Interviewing Authorities on 21.12.71, against one of the vacancies. When there was no reply to any of his representations, the applicant had again in August, 1981, made a representation reiterating his claim that he should be given the posting as IOW and his seniority should be shown against that cadre and not in the cadre of the Senior Draughtsman/Estimator. In June, 1983, the Divisional Engineer, Western Railway, Jaipur, issued an order confirming the applicant's appointment as Senior Draughtsman in his office, having his lien thereon. Finally, as per Annexure A-8 dated 18.7.83, the Executive Engineer (S&C), Jaipur, issued an order offering the applicant a post of IOW Gr.III in the Jaipur office with the stipulation that the applicant will have to accept the position in the seniority list of the IOWs below that of the confirmed, officiating and temporary IOWs at Jaipur Division and will seek his chances for further promotion in the avenue of IOW category only. After having entered into the category of IOW the applicant again, on 9.1.92, made representation to the DRM, Western Railway, reiterating his earlier claim of absorption as IOW on the basis of the interview held in December, 1971 in reply to the letter dated 7.5.90 (Annexure A-12) that his change of category to Gr.III of the IOW was made on his request. In this letter from the respondents attention was drawn to the stipulation that he would accept the seniority in the change category at the position lower to the confirmed, officiating and temporary IOWs at Jaipur. Thereafter, the applicant has preferred a detailed representation to the General Manager, Western Railway, dated 2.8.94, which has been forwarded by the Executive Engineer, Jaipur, vide letter dated 1.11.94. This representation is still to be replied to by the said authority.

3. The whole brunt of the arguments revolves round the contention of the learned counsel for the applicant that the

applicant had all along wanted selection as an AICW and accordingly he was selected. He reported for duty to the Deputy Chief Engineer, Kota, to join as AICW, who, instead of letting him join as AICW, took him as an Estimator only. The scales of pay of these two posts were identical and hence no financial loss was caused to the applicant. However, the applicant did not have the appointment letter in his possession and he has failed to produce that letter as a conclusive proof of the fact that he was offered the post of AICW. Between the year 1973, when he joined, and in 1977, when he joined as Sr. Draughtsman, and till 1980, there is no evidence of his having taken up the matter with the authorities regarding rightful appointment as IOW. In 1983 again, when he was offered the post of IOW, he took that post without any reservations.

4. We are fully convinced that it is a very stale matter which has not been taken up properly at the proper time by the applicant. His representation to the General Manager is still pending and unless the representation is finally rejected, he has no cause of action at this stage. While primarily this matter is hit by the bar of limitation, there is also no merit in the case at this stage. We, therefore, dismiss this application at the stage of admission.


(N.K. VERMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)