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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH  
J A I P U R .

O.A.No. 495/96

Date of order: 19.9.1996

&  
M.A.No. 428/96

Vidya Ram Gautam : Applicant

Versus

Union of India and another : Respondents

Mr. N.K.Gautam, counsel for the applicant

CORAM:

HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE)  
HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI O.P.SHARMA, MEMBER (ADMINISTRATIVE))

In this application under Section 19 of the Administrative Tribunals Act, 1985, Shri Vidya Ram Gautam has sought a declaration to the effect that the applicant is entitled to promotion in Grade Rs. 550-750 w.e.f. 18.6.85 and in Grade Rs. 2000-3000 w.e.f. 27.10.92. He has sought a further direction to respondents to revise the pay fixation of the applicant accordingly and make the payment of the difference to him till date.

2. The applicant's case is that he was initially appointed as an L.D.C. on 9.2.1978 in the Compilation Office, western Railway, Ajmer. He got promotion as J.D.C. in scale Rs. 330-550. vide office order dated 5.11.1984 (Annex.A-2) the applicant was empanelled for the post of Statistical Inspector in Grade

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Rs. 425-700. Vide order dated 31.12.1984 (Annex.A-3) he was transferred to the Divisional Office, Jaipur to officiate as Statistical Inspector in scale Rs. 425-700. He was not allowed to join his duties at Jaipur and was sent back to Ajmer where he was posted on his original post of Senior Clerk (U.D.C.). S/Shri R.H.Verma and P.H.Arora who were junior to the applicant were promoted and posted as Statistical Inspector. The applicant was again promoted as Statistical Inspector scale Rs. 425-700 in the Divisional Office, Kota vide order dated 19.1.1985 (Annex.A-4) and he joined his duties on the said post on 28.1.1985. Further, according to the applicant, vide DRM's Kota order dated 30.9.1985 (Annex.A-5) promotion orders on the post of Statistical Inspector Grade Rs. 550-750 was passed in favour of the applicant but he could not join his duties at Rajkot where he was posted. Meanwhile Shri R.H.Verma, who was junior to the applicant, was actually promoted as Statistical Inspector in Grade Rs.550-750 w.e.f. 20.9.1985 vide order dated 7.10.1985 (Annex.A-6). The applicant, inspite of being senior, was promoted to the said post 26 days after his junior as aforesaid was promoted. Vide order dated 7.10.1992 passed by the General Manager, Western Railway, Bombay, promotion orders of the applicant for the post of Senior Statistical Inspector scale Rs. 2000-3000 were issued but the applicant was actually promoted w.e.f. 27.1.1993.

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3. According to the applicant he has been representing to the respondents since 1985 regarding not being granted promotion when his juniors were granted promotion and regarding his other grievances. In response to his representation dated 2.12.1993, the respondent No.2, Statistical and Analyses Officer, Compilation Office, Western Railway, Ajmer replied vide letter dated 24.1.1994 (Annex A-7) declining to accept the applicant's request for stepping-up of his pay. The applicant made further representations in 1996 but these have also not been acceded to. The applicant's case is that since he was senior to Shri P.K.Verma and Shri R.H.Arora, grant of promotion to him after the grant of promotion to the aforesaid juniors has resulted in financial losses and injustice to the applicant. Promotions orders are effective from the date of issue of promotion orders as per the judgment of Punjab & Haryana High Court in K.K.Jagia vs. State of Haryana, S.L.R. 1172 P&H 578. Therefore, the applicant is entitled to promotion to the grade Rs. 425-700 w.e.f. 31.12.1984, to the grade Rs.550-750 w.e.f. 28.6.85 and to the grade Rs. 2000-3200 w.e.f. 27.10.1992.

4. The applicant has also filed a Misc. Application for condonation of delay in filing the O.A. In this application, he stated that he was frequently transferred from place to place and on resuming his duties at Ajmer in the year 1993 he could think of his rights and started the

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correspondence with the respondents. Further the respondents had given personal assurance to him to consider his case. Further, being a schedule caste candidate and a disciplined employee, he could not develop in him the tendency to demand his just claim strongly before filing the OA. There are some other similar grounds mentioned in the application seeking condonation of delay in filing the OA.

5. During the arguments, the learned counsel for the applicant stated that he does not aspire seniority over his juniors who were granted promotions to various grades earlier. All that he seeks is that fixation of pay in the various grades mentioned above in which his juniors were promoted earlier should be done on the basis that the applicant's promotion was made to these grades on the dates on which his juniors were promoted.

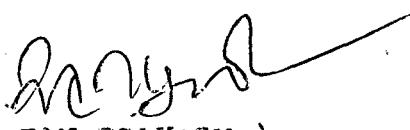
6. We have heard the learned counsel for the applicant and have gone through the contents of the OA. and the Misc. Application seeking condonation of delay in filing the OA.

7. The position admitted by the applicant is that promotions to the various grades mentioned in the preceding paragraphs were made long back in 1984, in 1985 and in 1992. Fixation of pay is related to promotion to a particular

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grade or post and the date on which such promotion is effective. Unless the dates of promotion of the applicant to the various grades are ordered to be changed, there cannot be any question of re-fixation of pay of the applicant on the basis that he had been granted promotions on the dates on which juniors of the applicant were promoted. The applicant did not come to the Court or the Tribunal within the limitation period if he was aggrieved by his juniors being granted promotions and his case being ignored. He has also not impleaded any of the persons alleged to be juniors as respondent in the CA. The grounds mentioned in the Misc. application seeking condonation of delay are also wholly untenable. In these circumstances, we find no merit in this application and it is dismissed at the stage of admission. The Misc. application No.428/96 is also dismissed for the reasons given above.

  
(RATAN PRAKASH )

MEMBER (J)

  
( O.P.SHARMA )

MEMBER (A)