

(10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 17.1.97

OA 594/96 with MA 542/96

Nanag Ram Farwar, Ex.Data Processing Supervisor under Electro Data Processing Manager, Western Railway, Churchgate, Bombay.

... Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. Electro Data Processing Manager, Western Railway, Churchgate, Bombay.
3. Statistical and Analysis Officer, Compilation Office, Western Railway, Ajmer.
4. Tulsi Lal Verma, Ex.GSM, Compilation Office, Ajmer.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNIA, VICE CHAIRMAN

HON'BLE MR.O.F.SHAHMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.N.K.Gautam

For the Respondents

... _____

O R D E R

PER HON'BLE MR.GOPAL KRISHNIA, VICE CHAIRMAN

Applicant, Nanag Ram Farwar, in this application u/s 19 of the Administrative Tribunals Act, 1985, (for short, the Act), has sought a declaration that respondent No.4, namely Tulsi Lal Verma, is not a Scheduled Tribe candidate and, therefore, not entitled to be empanelled and promoted to the post of General Supervisor Machine (GSM) as also for a declaration that the applicant was entitled to be empanelled and promoted to that post. The applicant has also claimed promotion as GSM w.e.f. 1985 and other consequential promotions thereafter alongwith arrears of salary and revised retirement benefits.


2. We have heard the learned counsel for the applicant and have perused the records of the case.

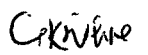
3. Applicant, being a ST candidate, was appointed as Machine Operator under the Compilation Officer, Western Railway, Ajmer. He was promoted in due course of time to higher pay scales. In 1985, he was called for screening for being empanelled for the post of GSM scale Rs,550-750. Respondent No.4, having fraudulently obtained ST Certificate, had obtained appointment as such and earned promotion to the post of GSM at the cost of

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the applicant. Against this fraudulent act of respondent No.4, the applicant made representation vide Ann.A-5 and then filed a Civil Suit against respondent No.4, which was registered as CS No.99/86 in the court of Munsif (East), Ajmer, but the same was not entertained for want of jurisdiction. Ultimately, respondent No.4 was removed from service w.e.f. 16.8.96. The applicant retired on superannuation on 31.8.96. His case is that due to the fraudulent act of respondent No.4 the applicant was denied his legitimate right of promotion to the post of GSM. The applicant was not promoted to the post of GSM vide Ann.A-4 dated 4.6.85. It is evidenced by this document that the panel for the post of GSM scale Rs.550-750 (R) was drawn for two suitable candidates, one belonging to SC and another belonging to ST community. Since ST candidates were not successful in the selection, Shri T.L.Verma (ST), Machine Operator, was ear-marked for promotion to GSM for a period of six months on trial basis. Aggrieved by his being overlooked for promotion to the post of GSM, the applicant made a representation vide Ann.A-5 dated 3.3.86 to the concerned authority and, thereafter, filed a Civil Suit on 25.8.86. The Civil Suit was rejected for want of jurisdiction. It is noteworthy that ignorance of law is no excuse for condonation of delay because on the date the Civil Suit was filed, this Tribunal had come into existence and if the applicant was aggrieved by non-consideration of his claim for promotion, he should have presented an application under Section 19 of the Act before this Tribunal within the time prescribed by Section 21 of the Act. Making unsuccessful representations repeatedly does not extend limitation. The present application was filed on 30.10.96, when in fact the cause of action had accrued to the applicant in 1985. We are, therefore, of the view that the present application is hit by the bar of limitation. It is, therefore, dismissed at the stage of admission. However, the applicant is free to make a representation to the concerned authorities as to the redressal of his grievance.

4. MA 542/96 for condonation of delay also stands dismissed accordingly.


(O.P.SHARMA)
ADMINISTRATIVE MEMBER


(GOPAL PRISHNA)
VICE CHAIRMAN

VK