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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of Order: 23.5.2000

OA 110/97

Chiranjit Lal Kalyan S/o Shri Kalyan Mal aged around 58 years 6 months resident of House No. 4217, Hida Ki Mori Mehta Marg, Galta Gate Road, Jaipur. Retired Pouch Maker Gr. II, Office of Chief Signal Inspector, Western Railway, Jaipur.

....Applicant.

VERSUS

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.
2. The Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.
3. The Divisional Signal & Telecom Engineer, Western Railway, DRM Office, Jaipur.

....Respondents.

Mr. P.P. Mathur, Proxy counsel for the respondents.
Mr. R.N. Mathur, Counsel for the applicant.
Mr. K.S. Sharma, Counsel for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)
Hon'ble Mr. V. Srikantan, Member (Administrative)

ORDER

PER HON'BLE MR. S.K. AGARWAL, MEMBER (JUDICIAL)


In this OA, applicant makes a prayer to direct the respondents to consider his case in accordance with circular/letter dated 4.3.85 for promotion on the post of Pouch Maker Grade II from the date from which his junior persons have been given of promotion and to pay arrears of salary and all consequential benefits.

2. In brief, facts of the case, as stated by the applicant, are that applicant was initially appointed as Watchman on 5.10.59 and he was thereafter promoted as Pouch Maker Grade III in the year 1979. Applicant thereafter was promoted on the post of Pouch Maker Grade II after passing necessary trade test vide order dated 28.8.86. It is stated that as per seniority list dated 29.5.80, the applicant is senior most person and on 4.3.85, respondent no. 2, D.R.M., Jaipur, has issued a letter/circular by which the post of Pouch Maker was merged with Artisan staff including Carpenter, Mason, Tin Smith and Painter and a combined seniority list was prepared but the respondents had denied the valid claim of the applicant in accordance with the notification/circular dated 4.3.85 for the promotion on the post of Pouch Maker Grade I. It is also stated that respondents promoted S/Shri Mangilal, Ram Kishore and Laxmi Narain who are junior to the applicant. Therefore, the applicant filed this OA for the relief, as mentioned above.

3. Reply was filed. In the reply it is stated that Shri Mangi Lal and Ram Kishore were given promotion in the year 1990 and 1993 respectively. Therefore, seeking relief after seven years is barred by limitation. It is also stated that there is no provision in the rules for giving promotion in the cadre of Pouch Maker Grade III. Only the compromise have arrived on 4.3.85 between two recognised trade unions and local divisional administration to give promotion in Grade II of Pouch Maker. Therefore, on the basis of compromise arrived on 4.3.85, the applicant was given promotion in Grade II. It is stated that Railway Board/Head quarter Office has not issued any notification for the promotion channel of Pouch Maker Gr. III. Therefore, applicant is ^{not} entitled to any promotion to Grade I and this OA is devoid of any merit and liable to be dismissed.

4. Heard the learned counsel for the parties and also perused the whole record.

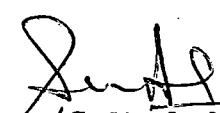
5. The letter dated 4.3.85, issued by Western Railway, appears to be a notification issued on the basis of compromise arrived between the two Unions to make promotion of Pouch Maker Grade III to Pouch Maker Grade II. This letter does not ~~not~~ mention for the channel of promotion for Pouch Maker. In nutshell, this letter does not mention anything for the promotion of Pouch Maker to Grade I as no rule/Circular/notification has been produced on behalf of the applicant to establish the

the fact that there is any channel of promotion for Pouch Maker to Grade I. Therefore, in the absence of channel of promotion, applicant has no case for promotion to Grade I. The applicant has also claimed his promotion on the basis of promotion given to Mangilal, Ram Kishore and Laxmi Narain. The case of the applicant is neither similarly situated with those as referred above nor there is any basis of giving promotion to the applicant ~~on~~ ^{the post of} Pouch Maker Grade I. Moreover, the claim of the applicant with regard to promotion on Grade I is related to the persons who have been promoted in the year 1990, 1993 and so on. Therefore, to claim similarity with these persons in the year 1997 is barred by limitation. The letter dated 4.3.85 does not indicate at all regarding the avenue of promotion of the applicant on the post of Pouch Maker Grade I and moreover the circular has also dealt with letter dated 21.8.95 written by Shri K.R. Meena and made it clear that AVC for Pouch Maker has already been decided. The issue and action should have been taken at Divisional level instead of referring the matter to Head-quarter office.

6. As there is no channel of promotion for the post of Pouch Maker Grade I and letter dated 4.3.85 issued by the Western Railway does not indicate about the promotion of the post of Pouch Maker Grade I and Headquarter examine this issue and came to the conclusion that there is no channel of promotion on the post of Pouch Maker Grade I. Therefore, we do not find any basis to interfere in this OA and the applicant is not entitled for any relief claimed in this OA.

7. We, therefore, dismiss this OA with no order as to costs.


(V. SRIKANTAN)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)