

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 9th August, 2001

OA No.123/99 with MA No.58/99.

Hanuman Singh s/o Shri Banna Singh r/o Village Keshar Pura, Ajmer, presently posted as Helper Khalasi in the office of Deputy CE, Canteen.

..Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Dy. Chief Electrical Engineer (Workshop), Western Railway, Ajmer.
3. Shri Murari Lal s/o Shri Jamma Lal Sharma having grade-II, S.S.Locomotors, Ajmer.

.. Respondents

Mr. P.P.Mathur, counsel for the applicant

Mr. Hemant Gupta, proxy counsel to Mr. M.Rafiq, counsel for respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

The applicant has come before us with a prayer that respondents be directed to promote him to the post of Instrument Mechanic Grade-III and then Grade-II after assigning seniority on these posts over respondent No.3, with all consequential benefits with interest. The applicant is working as Helper Khalasi in the Office of Deputy Chief Electrical Engineer (Workshop), Ajmer.

2. Case of the applicant is that he was initially appointed



as Khalasi on 22.6.79 whereas respondent No.3, Shri Murari Lal was initially appointed as Khalasi on 14.5.1982 in Ajmer Division. The applicant was promoted to the post of Helper Khalasi vide order dated 12.12.90 whereas respondent No.3, stated to be a junior employee, was promoted to the post of Helper Khalasi in 1989. Respondent No.3 is stated to have been promoted as Instrument Mechanic Gr.III scale Rs. 950-1500 vide order dated 13.12.1991 and further promoted to Gr.II vide order dated 5.8.96 whereas applicant has been continuing to be a Helper Khalasi.

3. We find from the facts stated by the applicant himself that he was promoted as Helper Khalasi by order dated 12.12.90 whereas respondent No.3 was promoted in the year 1989. The applicant never challenged promotion of respondent No.3 as Helper Khalasi, which was ordered way back in the year 1989. He cannot make any grievance of this order now in the year 1999 and his claim is hopelessly barred by limitation. In fact, we find that the respondents have stated in the reply that Shri Murari Lal was initially appointed as casual labour on 20.4.82 and was granted temporary status on 26.7.83. The applicant was granted temporary status on 9.9.87. Further, it has been submitted that the applicant was screened for the post of Khalasi scale Rs. 750-940 on 3.2.88. The applicant was promoted as Helper Khalasi on 12.12.90 whereas respondent No.3 was promoted as Helper Khalasi on 18.9.89. With this background, it is obvious that respondent No.3 has continued to enjoy seniority over the applicant from the very beginning right from the time of acquiring temporary status and again in the post of Khalasi and Helper Khalasi. By virtue of his seniority, respondent No.3 has further been promoted to Grade-III and Grade-II. Therefore, we do not find any substance in the prayer of the applicant and the same is liable to be dismissed both on merits and on limitation.

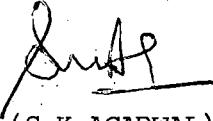
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4. We, therefore, dismiss this application on the grounds of limitation as also on merits. No order as to costs.

In view of the order as above, Misc. Application No.58/99 also stands dismissed.


(A.P. NAGRATH)

Adm. Member


(S.K. AGARWAL)

Judl. Member