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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.41/99

Date of order: 3.8.1999

Jagdish Singh S/o Shri Kan Singh R/o 583, in front of Sankla Flour Mills,
Behari Ganj, Ajmer.

...Applicant.

Vs.

1. Union of India through the General Manager, Western Railway,
Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Ajmer.

...Respondents.

Mr.N.K.Gautam, Counsel for applicant.

..

FORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Jagdish Singh, in this application under Section 19 of the Administrative Tribunal Act, 1985 (for short, the Act), has sought promotion w.e.f. 6.1.1972 as Pipe Fitter Grade-III.

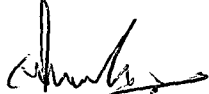
2. We have heard the counsel for the applicant and have gone through the records of the case carefully.

3. The case of the applicant is that he was appointed as Khalasi on 4.10.1958. Subsequently, he was trade tested for the post of Pipe Fitter Grade-II. On being successful, he was empanelled for the said post. The applicant was promoted as Pipe Fitter scale Rs. 110-180 vide Ann.A2 dated 6.1.1972. Thereafter, the result of the trade test, panel and promotion order were cancelled. Shri Mitthan Lal Sharma then filed a Civil Suit in the Court of Munsif (East), Ajmer. Following the decision rendered by the learned Munsif in Civil Suit No. 276/1972, the applicant was posted as Pipe Fitter in the scale Rs. 260-400. He was paid arrears of salary on the post of Pipe Fitter w.e.f. 30.12.1974 but he was not granted promotional benefits w.e.f. 6.1.1972. His grievance is that the respondents ought to have granted promotion to him as Pipe Fitter Grade-III w.e.f. 6.1.1972. Since the applicant was granted promotional benefit w.e.f. 30.12.1974 vide an order dated 28.7.1986 at Ann.A5, the applicant should have agitated this matter for grant of promotion w.e.f. an earlier date, within the period prescribed for limitation, in Section 21 of the Act. The present application has been filed on 20.1.1999 when actually the grievance of the applicant regarding denial of promotion w.e.f. 6.1.1972 has arisen on 28.7.1986 when the order at Ann.A5 was issued regarding applicant's promotion as Pipe Fitter Grade-III w.e.f. 30.12.1974. The present

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application should have been filed within a year of the aforesaid order as envisaged in Section 21 of the Act. This application having been filed on 20.1.1999 is hopelessly barred by limitation.

4. Application is, therefore, dismissed at the stage of admission as being time barred.


(N.P. NAWANI)
Adm. Member


(GOPAL KRISHNA)
Vice Chairman