

Date of order: 12.09.2000

OA No.138/2000 with MA No.118/2000

Ashok Sharma S/o Shri Jai Kishan Sharma, presently holding the post of Junior Engineer Gr.II, 28 Department C&W Shop, Western Railway, Ajmer.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Chief Works Manager, Loco Shop, Western Rly., Ajmer.
3. Deputy Chief Mechanical Engineer, C&W Shop, Western Railway, Ajmer.
4. Shri Kishan Lal, T.No.7022, Chief Workshop Manager, Kota.
5. T.M.Krishnan at present employed on the post of Junior Engineer-II, C&W Shop, Western Railway, Ajmer.
6. Shri Kishan Pal Singh, Junior Engineer, 28 Department C&W Shop, Western Railway, Ajmer.

.. Respondents

Mr. Sunil Avasthi, counsel for the applicant

....

CORAM:

Hon'ble Mr. Justice B.S.RAIKOTE, Vice Chairman

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

Order

Per Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

This application is filed with the following reliefs:

"(i) That the Respondents No. 1 to 3 be directed to give the paper promotions likewise the Respondent No.5 has been given



(A)

treating his case at par and they may further be directed to assign performa seniority to the applicant above the Respondents Nos. 5 and 6 i.e. from 1993 as para 228 and 316 of the IREM Vol.I 1989 Edition and allow all the consequential benefits;

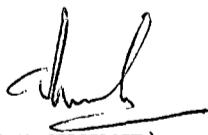
(ii) that any other direction, relief or order may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.

(iii) that the cost of this application may also be awarded in favour of the applicant."

2. From the above, as prayed for by the applicant, it is clear that the applicant is claiming seniority over respondents w.e.f. the year 1993 in terms of para 228 and 316 of the IREM Vol.I 1989 Edition. From the reliefs, as prayed for by the applicant, it is clear that the applicant's claim is barred by time. If the applicant had any grievance, he must have approached this Tribunal within one year from the date of cause of action, which, according to the applicant himself, arose in the year 1993.

3. In the circumstances, we think it appropriate to hold that this application is barred by time. Accordingly, it is dismissed as barred by time.

5. Since the OA has been dismissed, the Misc. Application No. 118/2000 is also dismissed and disposed of.



(N.P. NAWANI)

Adm. Member



(B.S. RAIKOTE)

Vice Chairman