

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

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Date of order : 25.05.2001.

O.A.NO. 203 OF 2001.

Rudra Nath Khanna S/o Shri Vishwa Nath Khanna aged about 41 years,
R/o Plot No. 1, Nrayan Puri, Rawalji Ka Bandha, Khatipura Road,
Jaipur.

.....Applicant.

VERSUS

1. Union of India through the Divisional Railway Manager, Western Railway, Jaipur.
2. Divisional Electrical Engineer, O/o the DRM, Western Railway, Station Road, Jaipur.
3. Nathu Lal through the O/o the DRM, Western Railway, Station Road, Jaipur.
4. Prabhu Dayal through the O/o the DRM, Western Railway, Station Road, Jaipur.
5. Satyanarayan Sharma through the O/O the DRM, Western Railway, Station Road, Jaipur.
6. Siraj Ahmed thr.O/O DRM, Western Railway, Station Road, Jaipur

.....Respondents.

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Mr. Anudyuti Maitra, Counsel for the applicant.

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CORAM :-

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

Hon'ble Mr. Gopal Singh, Administrative Member

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Per Hon'ble Mr. Justice B.S. Raikote :

This application is filed challenging the order dated 14.7.1995 (Annex.A/1) by which the respondents No. 4 to 6 were



promoted. The applicant alternatively prays for a direction to the respondents to promote him to Grade II and his case should be considered for the purpose of promotion from Grade II to Grade I as senior to the respondents No. 3 to 6.

2. The learned counsel appearing for the applicant contended that the applicant was working in Grade III in the Loco Wing of the Western Railway earlier. In view of the fact that the operation of the Steam Engines was stopped in the year 1994, the persons who were rendered surplus in Loco Wing were transferred to some other department on their option. The applicant opted to the Electric Wing of the Western Railway and accordingly he was transferred from the Loco Wing to the Electrical Wing of the Western Railway vide order dated 24.11.1994, vide Annex.A/3. It is stated that after joining the Electrical Wing of the Western Railway, the applicant was sent for training and accordingly he passed the same and consequently relieved on 2.1.1995 from the training. The applicant also stated that he was senior to the respondents No. 3 to 6, therefore, promoting them vide order dated 14.7.1995 (Annex.A/1), from Grade III to Grade II, was illegal. He relied upon the provisional seniority list dated 31.3.1995 (Annex.A/2) contending that the applicant was senior to the private respondents. Therefore, the private respondents' promotion vide order Annex.A/1 dated 14.7.1995 without considering the case of the applicant, was illegal.

3. From the reading of para 4 (e) of the application, it is clear that the respondents No. 3 to 6 were initially appointed in the Grade IV and they were promoted to Grade III in the Electrical Wing. After they passed the Trade Test, they were promoted vide Annex.A/3 on 31.3.1995. The applicant himself stated in para 4(e) that they had undergone a Trade Test prior to the applicant being shifted to the Electrical Wing from the Loco Wing. The fact also remains that the

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the Electrical Wing from the Loco Wing. The fact also remains that the applicant was found surplus in the Loco Wing after closing the operation of Steam Engines and instead of retrenching his services, the applicant and others were given an option to opt for some other wing and the applicant had joined the Electrical Wing. Before his joining in the Electrical Wing, respondents No. 3 to 6 had also undergone a Trade Test for purpose of their promotion from Grade III to Grade II and accordingly, the private respondents NO. 3 to 6 were promoted vide order Annex. A/1 dated 14.7.1995. The provisional seniority list dated 31.3.1995 (Annex.A/2) itself indicated that if anybody had any objection, such person could file the same. May be some persons might have objected and a final seniority list was prepared in the year 1995 itself. At any rate, applicant's challenge regarding the impugned order dated 14.7.1995 (Annex.A/1) is barred by limitation. The fact also remains on record that this promotion of the respondents No. 3 to 6 was made after the applicant joined the Electrical Wing and if he was aggrieved by that order, nothing prevented him from filing an application in the year 1995 itself challenging the said order dated 14.7.1995 but he has not done. This application is filed only on 9.5.2001 nearly after six years. In these circumstances, this application is liable to be dismissed on the ground of limitation. We find from the records of this case that applicant has not filed any application for condonation of delay also. In these circumstances, we pass the order as under :-

The Original Application is dismissed at the stage of admission.


(GOPAL SINGH)
Adm. Member


(B.S. RAIROTE)
Vice Chairman

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