

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Dated of order: 02.09.2003

OA No.311/2003 with MA No.282/2003

Mohan Singh s/o Shri Lal Ram aged about 52 years r/o H.No.271/30, Pratap Nagar, Link Road, Nagra, Ajmer, at present employed on the post of Painter under Carriage Foreman, Ajmer in the Office of Chief Works Manager, Western Railway, Ajmer Division, Ajmer.

.. Applicant

Versus

1. Union of India through General Manager, Northern Western Railway, Jaipur.
2. Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer.
3. Deputy Chief Mechanical Engineer (Carriage), Western Railway, Ajmer Division, Ajmer.

.. Respondents

Mr. Shiv Kumar, counsel for the applicant.

CORAM:

HON'BLE MR. S.P. AGRAWAL, MEMBER (ADMINISTRATIVE)

HON'BLE MR. M.L. CHAUHAN, MEMBER (JUDICIAL)

O R D E R (ORAL)

The applicant has filed this OA with a prayer that the respondents may be directed to consider the matter for promotion w.e.f. the due date, when the applicant was due for promotion i.e. 13.5.97 instead of 17.10.2001 when he was given promotion.

2. The facts of the case, briefly stated, are that the applicant was initially working in the Foundry and when the Foundry was closed, he was sent to Loco Department vide order dated 29.5.1984 (Ann.A3). While he

was working in the Loco Department, he had passed the trade test for the post of Moulder Grade-III in 1987. Thereafter the applicant was again due for promotion w.e.f. 1992, but he was not considered for the said promotion as disciplinary case was going on against him and he was issued a chargesheet dated 23.9.1991 for major punishment. The charge against the applicant was that he was unauthorisedly absent from 26.3.1991 to 09.09.1991. On this allegation the applicant was removed from service w.e.f. 13.05.1992. The applicant filed an appeal against the said order to the Appellate Authority, which after consideration of all the facts, set-aside the removal order and punished the applicant by withholding of increments for 5 years with cumulative effect. Since the applicant was awarded a major punishment, he was not considered fit for promotion after 1997. The respondents considered him fit for promotion in the DPC held in 2001 when he was promoted to the grade of Painter Grade-III vide order dated 12.4.2001 (Ann.A1).

3. The applicant has filed this OA late by more than six months as he was authorised to seek legal remedy within one year i.e. upto 17.10.2002 whereas he has filed this OA on 4.7.2003. As far as the reasons, it has been explained by the applicant's counsel that it is because of the fact that the applicant is uneducated and also due to ^{Constraining} his financial ~~factor~~ he could not file the OA in time. We are, however, not satisfied with the reasoning given by the counsel for the applicant and the Misc. Application for condonation of delay is rejected. For the reasons that the Misc. Application for condonation of delay is rejected, the OA is also dismissed for that reason as well



: 3 :

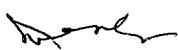
as on the basis of merit, the applicant has no case.

4. In the result, on both the counts we do not find any merit in the OA and it is dismissed with no order as to costs.



(M.L.CHAUHAN)

Member (J)



(S.K.AGRAWAL)

Member (A)