

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTINGS: BILASPUR

Original Application No. 261 of 2005

Bilaspur, this the 8th day of March, 2006

Hon'ble Mr. Justice B. Panigrahi - Chairman
Hon'ble Mr. Shankar Prasad - Administrative Member

Harbansh Singh, Aged about 64 years,
S/o late Gangaram Singh, By occupation Retd. Loco
Driver, R/o Door No. 109, Ward No. 16, Mandir
Chowk, Depopara, Bilaspur (C.G.) - APPLICANT
(By Advocate - Shri Jitendra Mudliyar on
behalf of Shri P. Kotecha)

Versus

1. Union of India, Through Secretary,
Ministry of Railway, New Delhi.
2. The Divisional Railway Manager,
South Eastern Railway, Bilaspur.
3. Senior Divisional Personal Officer,
South Eastern Railway, Bilaspur (C.G.) - RESPONDENTS
(By Advocate - Shri M. N. Banerji)

O R D E R (Oral)

By Justice B. Panigrahi, Chairman, -

In this case, the applicant has prayed for a direction against the respondents to give him promotion from the date his juniors got such promotion. It has further been prayed that direction be issued to the respondents for all consequential benefits of grant of the higher pay scale, and revision of pensionary benefits.

2. On a careful perusal of the reply, we find that the applicant was promoted to the post of Goods Driver with effect from January, 1990, on which date the cause of action is said to have accrued. The applicant also earlier filed an appeal on 27.10.1990 and the respondents informed vide letter dated 26.11.1990 that his inter se seniority will be protected. On expiry of 8 years he filed another representation agitating the same question and that some of his juniors have been further promoted. The

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However, to the last representation, purported to have been submitted by the applicant, the respondents have replied by a letter dated 20.1.2004. The respondents' reply to the representation is extracted herein below:

"In reference to your application dated 22.8.03, your case for fixation of seniority and consequential benefit have been examined thoroughly from the records available and found that you have given unwillingness to attend the promotional training course which is mandatory for the promotion as per extant rules to the post of Goods Driver. Sri Nachattar Singh and Sunil Kumar junior to you were promoted as they have passed the promotional training course in their turn, so you are not entitled for any seniority and consequential benefit as appealed".

3. From the answer to the representation, communicated by the respondents, it is clear that the applicant was unwilling to attend the promotional training course which is mandatory for promotion as per extent rules to the post of Goods Driver. Therefore, his juniors had participated in the departmental promotional training, plus they were also promoted to the post of Goods Driver.

4. In the above background, the claim of the applicant seems to be not maintainable since he was not qualified for being appointed as Goods Driver. We also find that the application has been filed after lapse of about 15 years without any plausible and satisfactory explanation.

5. Considering the case from any angle, we find that there is no merit in this case. Accordingly, the OA is dismissed. No costs.

Shankar Prasad
(Shankar Prasad)
Administrative Member

(B. Panigrahi)
Chairman.

rkv.

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Prav Kotecha BY B/14504
m. N. Bawane BY
JBB

M. H. Bunker Bow

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