

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 01<sup>st</sup> day of April, 2011

**ORIGINAL APPLICATION NO. 257/2007**

**CORAM**

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Raghavendra Singh son of Shri Mahendra Pal Singh aged about 42 years, resident of 462 B, Near Railway Colony, Kota Junction and presently working as Senior Personnel Inspector (Staff Welfare Inspector), Office of Divisional Railway Manager, West Central Railway, Kota Division, Kota.

.....Applicant

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur.
2. Divisional Railway Manager, West Central Railway, Kota Division, Kota.
3. Shri Shailendra Jemani, Staff Welfare Inspector, Grade II, Office of Divisional Railway Manager, West Central Railway, Kota Division, Kota.
4. Shri Ashok Sharma, Staff Welfare Inspector, Grade II, Office of Divisional Railway Manager, West Central Railway, Kota Division, Kota.
5. Shri Rajesh Kumar Jaiswal, Staff Welfare Inspector, Grade II, Office of Divisional Railway Manager, West Central Railway, Kota Division, Kota.

.....Respondents

(By Advocates: Mr. Anupam Agarwal)

**ORDER (ORAL)**

Brief facts of the case that the applicant joined the respondents' department as Clerk on 16.06.1986 and became Senior Clerk in the year 1988. Thereafter he was promoted on the post of Welfare Inspector on 23.08.1994 (Annexure A/3).



2. The applicant alleged that he being senior most Welfare Inspector in the scale of Rs.5000-8000/- was allowed to hold the post of Senior Welfare Inspector in the scale of Rs.5500-9000/- but vide order dated 25.05.2000 (Annexure A/4), the respondents withdraw the benefit by downgrading the post of Sr. Welfare Inspector against which the applicant represented before the respondents vide representation dated 29.05.2000 (Annexure A/5).

3. The respondents issued a seniority list dated 25.05.2001 to the cadre of Welfare Inspector, Personnel Inspector and hours of Employment Regulating Inspector in which the name of the applicant find place in the cadre of Welfare Inspector scale Rs.5000-8000/- at sr. no. 1 and the applicant was due for promotion to the post of Senior Welfare Inspector, scale Rs.5500-9000/- against vacant post and the applicant was also allowed to hold the post with effect from 05.01.1998 to 25.05.2000 but in the garb of reserve point, the applicant was not allowed to continue the post.

4. To this effect, the applicant represented on 04.06.2001 but no action was taken by the respondents. Thereafter the respondents placed the applicant on panel to the cadre of Senior Welfare Inspector scale Rs.5500-9000 vide order dated 16.09.2003 and was also allowed promotion to the post on regular basis. The applicant was considered for further promotion on the post of Senior Inspector from 2000 to 2003 in the garb of fourth point, reserved for SC category. The applicant is pursuing the matter right since when the post of Senior Welfare Inspector was downgraded and he was not allowed to continue in the scale of Rs.5500-9000/-.



5. Again the applicant represented on 31.08.2005, 10.01.2007 and further on 14.05.2007(Annexure A/12, A/13 and A/14 respectively). The respondents rejected the claim of the applicant vide order dated 31.05.2007 (Annexure A/1) on the basis of Railway Board order No. 113/97 dated 21.08.1997.

6. The short controversy as pointed out by the respondents is that cause of action had arisen in the year 2000 whereas this OA has been filed in the year 2007 i.e. after a lapse of 7 years. Thus the OA deserves to be dismissed on the ground of delay and latches. The present OA is also not maintainable in view of the relief claimed for seniority since 1998. Admittedly, the applicant has failed to challenge the order 16.09.2003 (Annexure A/8) at relevant point of time and also failed to submit any application for condonation of delay.

7. Considering the fact that impugned order, which has been passed in the year 2000, has not been challenged by the applicant at the relevant point of time. Even otherwise also, the applicant is not entitled to get any relief for the intervening period from 26.05.2000 to 16.10.2003 in view of the order dated 16.09.2003 even the applicant worked on higher post of Senior Welfare Inspector to the merged cadre of Senior Personnel Inspector by counting period w.e.f. 05.01.1998 to 25.05.2000 as regular service treating the vacant post as unreserved and the order dated 16.09.2003 cannot be modified for regular promotion. The judgment passed by this Tribunal on which reliance has been placed by the learned counsel for the applicant does not help the applicant in any way. Admittedly the post of Senior

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Welfare Inspector was downgraded in the year 2000 and the applicant has not challenged the same at the relevant time and thus the order of downgradation has attained finality. Now at this belated stage, the applicant is estopped to challenge the order dated 16.09.2003.

8. Accordingly, the present OA is devoid of merit and is dismissed with no order as to costs.

*Anil Kumar*  
(ANIL KUMAR)  
MEMBER (A)

*J.S. Rathore*  
(JUSTICE K.S. RATHORE)  
MEMBER (J)

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