

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.4012/2013

**Reserved On:07.08.2018
Pronounced on:19.09.2018**

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Dhunni Lal
S/o Shri Ram Adhar
R/o F-3111, Loko Caloniz
Delhi-110006.Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

UOI & Others through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
DRM Office,
State Entry Road,
Pahar Ganj,
New Delhi.
3. The Divisional Personnel Manager,
Northern Railway,
DRM Office,
State Entry Road,
Pahar Ganj,
New Delhi.
4. Senior Section Engineer,
Northern Railway,
DRM Office,
State Entry Road,
Pahar Ganj,
New Delhi. - Respondents

(By Advocate: Shri S.M. Arif).

ORDER

By Hon'ble Mr. V. Ajay Kumar, Member (J)

The applicant, a Khalasi-Helper under the respondent-Northern Railway, filed the OA seeking the following reliefs:-

“(a) To direct the respondents to assign the seniority to applicant as Helper Khalasi/Helper Safaiwala/Helper Carriage Cleaner from 1987 at par with Udai Chand S/o Shri Jag Ram (Applicant in OA No.2604/2006).

(b) To direct the respondents to fix the seniority of applicant as Helper Khalasi/ Helper Safaiwala/Helper Carriage Cleaner from 1987 at par with Udai Chand with all consequential benefits.

(c) To allow the OA with exemplary cost.

(d) Pass any further orders as this Hon'ble Tribunal may deemed fit and proper considering the peculiar facts and circumstances of the case”.

2. Brief facts, as narrated in the OA, are that the applicant was initially appointed as a Safaiwala on 02.07.1981. Though the respondents conducted a Screening Test in the year 1987, after appointment as Helper Khalasi, and though the applicant participated therein, they have not declared the results of the said Screening Test. Again, the respondents conducted the Screening Test in the year 1993, but finally declared the results in the year 1997 and accordingly promoted the applicant as Helper Khalasi vide order dated 10.09.1997. Accordingly, the respondents placed the applicant at Sl.No.489 in the seniority list of Helper Carriage Cleaner and Helper Khalasi, Carriage Cleaner, Khalasi, Saloon Attendant (Annexure A-1). When the claim of the applicant to fix his

seniority as Helper Khalasi on par with one Shri Udai Chand was not considered, he filed the instant OA.

3. Heard Shri M.K. Bhardwaj, learned counsel for the applicant and Shri S.M. Arif, learned counsel for the respondents and perused the pleadings on record.

4. Shri M.K. Bhardwaj, learned counsel appearing for the applicant submits that one Udai Chand, who was also identically placed like the applicant, filed OA No.2604/2006 and in compliance of the orders in the said OA, the respondents have fixed the seniority of said Shri Udai Chand on the basis of Screening done in 1993, though the result of which was also declared in the year 1997, hence, the applicant is also entitled for extension of the same benefit.

5. On the other hand, Shri S.M. Arif, learned counsel appearing for the respondents would submit that the OA is liable to be dismissed on the ground of limitation as the applicant was promoted to the post of Helper Khalasi in the year 1997 and after a lapse of about 16 years, he filed the instant OA, seeking ante-dating of the said promotion from 1997 to 1993. He further submits that the case of the applicant cannot be compared with Shri Udai Chand as the facts are different. It is further submitted that in respect of Udai Chand, his case was for promotion from Carriage Cleaner to Helper Carriage Cleaner in Grade Rs.2550-3200 to Rs.2650-4000

and hence the case of Udai Chand has no bearing on the case of the applicant. Further, the said Udai Chand belongs to SC category and was granted the benefits attached to the said reservation. Under those circumstances only, this Tribunal in OA No.2604/2006, filed by the said Udai Chand, was allowed and accordingly, the said order was complied with.

6. As rightly submitted by the learned counsel for the respondents that the applicant was promoted/regularised as Helper Khalasi vide order dated 10.09.1997. Accordingly, his seniority was fixed. After a lapse of about 16 years, the applicant filed the instant OA seeking to fix his seniority as Helper Khalasi with effect from the year 1993. The same can be done, only when the services of the applicant are regularised w.e.f. 1993, as against the year 1997. Hence, the claim of the applicant is not only barred by the period of limitation, but also stale and dead.

7. Further, OA No. 2604/2006 filed by Udai Chand pertaining to his promotion to the post of Technician-III and whereas the applicant's case is pertaining to promotion/regularisation as Helper Khalasi and hence the fixation of seniority of Udai Chand cannot have any bearing on the fixation of the seniority of the applicant. For this reason also, the OA is liable to be dismissed.

8. In the circumstances and for the aforesaid reasons, we do not find any merit in the OA and accordingly the same is dismissed. No costs.

(A.K. BISHNOI)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

RKS