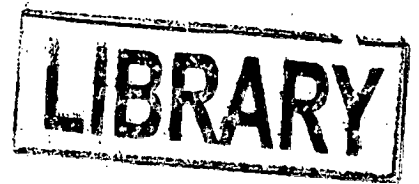


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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH



No. O.A. 1157 of 2011
M.A. 43 of 2013

Date of order: 10.11.2016

Present: Hon'ble Justice Mr. Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

JITENDRA KUMAR

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. S. Banerjee, Counsel

ORDER (Oral)

Per Mr. Vishnu Chandra Gupta, Judicial Member:

Heard the Ld. Counsel for the respondents as none appears for the applicant. The Ld. Counsel appearing for the applicant, Mr. A. Chakraborty, stated that he has no instructions. Hence, the petition is disposed of in view of Rule 15 of CAT (Procedure) Rules, 1985.

2. The sole controversy in this petition is whether the petitioner is entitled to stepping up of pay in the light of date of posting of the counterparts irrespective of the fact that he joined latter to those juniors after completing the training. It is not denied in this case that the applicant was working as Sr. TC after getting his promotion. Thereafter he was empanelled for promotion to the post of Goods Guard. He was sent for training on 3.8.1998. He completed his training on 21.12.1998 and thereafter on completion of the training he joined the post on 19.8.1999 as is evident from Annexure R-5. Thereafter he was again promoted to Sr. Goods Guard and took over charge on 29.6.2009. Thereafter in 2011 he preferred a representation that he was not spared for training in time. So he

could not join. The representation was given after lapse of more than 13 years which was disposed of by the authorities on the ground that relevant papers are not traceable, as such claim of applicant cannot be allowed. The applicant also did not furnish any document which could substantiate the plea of the applicant that he was not spared in time in spite of relieving orders.

3. Hence in view of the above, we do not find any reason to interfere with the order impugned which has been passed by the competent authority on 14.9.2011.

4. There was another reason for not allowing this petition is that the person who might have been affected in case of allowing the petition has not been made party to the petition.

5. Apart from the above, there is one more reason to decline the relief claimed by the applicant that the applicant slept over his cause for more than 13 years and all of a sudden in 2011 he moved a representation. By moving a representation in case of dead cause of action will not revive the limitation as held by the Hon'ble Apex Court in Civil Appeal No. 6595 of 2015 L.C. Hanuman Thappa v. H.B. Shivakumar decided on 26.8.2015.

6. Accordingly, the petition lacks merit and is dismissed. No costs.

(Jaya Das Gupta)
MEMBER(A)

SP

(Vishnu Chandra Gupta)
MEMBER(J)