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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1063/2003

This the 3rd day of February, 2004

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.K. NAIK, MEMBER (A)

Charanjit Singh,
S/o Sh. Joginder Singh,
Fitter,
O/o Sr. Section Engineer (Works),
Northern Railway,
New Delhi.

Residential Address :-

Charanjit Singh,
268/1, Railway Colony,
Shakur Basti,
Delhi.

... Applicant

(None)

Versus

Union of India, through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. Sh. Joginder Lal,
S/o Sh. Bodh Raj,
Fitter.
4. Sh. Babu Ram,
S/o Shri Ram Dev,
Fitter.
5. Sh. Bachai Ram,
S/o Ram Bux,
Fitter.
6. Gurcharan Lal,
S/o Sh. Bodh Raj,
Fitter.

(By Advocate: Sh. Shailendra Tiwary)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

Despite repeated calls and waiting for quite a long time none has appeared for the applicant. We are proceeding under Rule 15 of the CAT (Procedure) Rules.

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2. Applicant has filed this OA seeking following reliefs:

- i) direct/order the respondents to assign the proper seniority to the applicant right from the initial grade of Fitter Gr.III/Artisan Staff, from the date of entry in the grade, which is based on passing the trade test, which the applicant passed on 13.12.1985, Annexure A-7. Respondents be further directed to maintain the seniority list so assigned to the applicant vide their letter dated 4.3.92/13.3.92, Annexure A-8.
- ii) declare that the alteration of the seniority, so assigned in Annexure A-8, finally in the seniority list dated 09.2002, Annexure A-1, is illegal and badly vitiated.
- iii) direct/order the Respondents to deem the applicant as having been promoted in higher grade of Rs.4500-7000 with all consequential benefits of arrears etc. from the date the junior promotees were so promoted. Any other relief deemed fit and proper may also be granted. in the interest of justice.

3. Respondents have raised an objection that the applicant is seeking seniority over and above Resp. No.3 to 6 and applicant had been shown junior to Resp. No.3 to 6 in the list of 1992 itself which was also modified in the year 1994. Since the applicant had not challenged that position well in time so present OA is barred by time. Though another seniority list has been issued in the year 2002 in which applicant has given some improvement in the seniority position

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but he is still shown as junior to Resp. No.3 to 6 even in seniority list of 2002. The main grievance of the applicant is that he is being shown junior to Resp. No.3 to 6 as shown in the list of 1994 itself. Therefore the present OA is barred by time.

4. We find that applicant has also made an application for condonation of delay. Applicant therein does not assign any reason as to what prevented him to file an OA in time. Rather applicant in para 2 in the MA states that respondents have been playing hide and seek with the applicant changing the seniority on various occasions and lastly in the seniority list showing the applicant has been issued in the September 2002 but still he is being shown junior to Resp. No.3 to 6. Thereafter applicant is acknowledging that through out he has been shown junior to Resp. No.3 to 6 even in the earlier list, i.e., of 1994 itself. So applicant in infact claiming seniority over Resp. No.3 to 6 and he has been shown junior to them even in 1994. Present OA has been filed on 25.4.2003 but there is no sufficient cause shown as to why applicant could not file the OA in time to challenge the seniority position of Resp. NO.3 to 6 vis-a-vis his own position which affected him in the seniority list onf 1994 itself.

5. Hence we find that OA is barred by time and the same is hereby dismissed.


(S.K. NAIK)
Member (A)


(KULDIP SINGH)
Member (J)

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