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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1713/2003

This the 9th day of July, 2003 /

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

Banne Oraon,
Reservation Supervisor,
Group 'C' Non-Gazetted,
Reservation Office,
Old Delhi Railway Station,
New Delhi.

... Applicant

(By Shri S.K.Sinha, Advocate)

-versus-

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
State Entry Road, New Delhi.
3. Chief Commercial Manager,
Northern Railway, Baroda House,
New Delhi.

... Respondents

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant was appointed as Enquiry-cum-Reservation Clerk on 13.10.1986. He was confirmed on that post on 28.1.1987 ^{A-1} (Annexure-A-1). According to him he belongs to a Scheduled Tribe. His name appeared at Sl. No.536 in the seniority list (Annexure A-2) dated 16.10.1987. According to him, another seniority list was issued by respondents wherein his name was omitted by a clerical mistake. He made representations for correction in the seniority list. In the meantime, one Shri Man Singh Meena (ST) was promoted along with others to the next grade Rs.1400-2300 (non-selection grade) w.e.f.

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31.8.1992. Applicant's name is stated to have been interpolated in the seniority list of the grade Rs.1200-2040 belatedly and consequently his promotions to grades Rs.1400-2300 and Rs.1600-2660 have been delayed despite representations. Applicant has sought promotion on the post of Enquiry-cum-Reservation Clerk Grade-I w.e.f. 31.8.1992, i.e., the date from which his junior, namely, Shri Man Singh Meena (ST) was promoted, and also direction to respondents to correct his seniority with consequential benefits.

2. Learned counsel of applicant heard. According to him, applicant was assigned wrong seniority in the seniority list issued after 16.10.1987. The same was not corrected despite several representations of applicant and his junior in the meantime was promoted to the next grade of Rs.1400-2300 (non-selection grade) w.e.f. 31.8.1982. Apparently, applicant seeks interpolation of his name in a seniority list issued after 16.10.1987 and prior to 31.8.1992 on the basis of which applicant's junior Shri Man Singh Meena is stated to have been promoted to the next higher grade on 31.8.1992. Applicant seeks promotion to this grade w.e.f. 31.8.1992.


3. Obviously, cause of action for applicant regarding wrong placement in the seniority list as also non-promotion vis-a-vis Shri Man Singh Meena had arisen on 31.8.1992/even earlier. Applicant did not seek appropriate remedy besides making several representations. Apparently, applicant has been sleeping

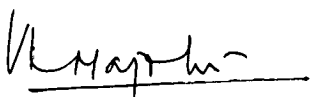
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over his rights, if there were any. It is an established law that if the parties do not pursue their rights and remedies promptly and choose to sleep over their rights and remedies for an inordinately long time, laches do not cure and discretionary jurisdiction of the courts to interfere may not be used. It is also an established law that repeated unsuccessful representations not provided by law do not enlarge the period of limitation. Promotions and seniority of others after a long lapse of time when such promotions and seniority are challenged after inordinate delay cannot be disturbed.

4. In the facts and circumstances of the present case and the established law, applicant cannot be accorded relief in relation to his seniority and promotion cause for which had arisen way back during 1992 or even earlier.

5. The OA is dismissed accordingly, in limine.


(Kuldip Singh)
Member (J)


(V. K. Majotra)
Member (A)

/as/