

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9436 of 2016

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Syed Tanveer Eqbal Hussain @ Syed Tanweer Eqbal Hussain, son of Late Hasrat Hussain, Resident of House No. 326, Road No. 11/B, Patliputra Colony, P.S. Patliputra, District- Patna- 800013.

.... Petitioner

Versus

1. The Union of India through Chairman, Railway Board, Ministry of Railways, New Delhi.
2. The Deputy Director, Pay Commission, Railway Board, New Delhi.
3. The General Manager, East Central Railway, Hajipur.
4. The Finance Advisor (F.A.) and Chief Accounts Officer (C.A.O.), East Central Railway, Hajipur.
5. The Deputy Finance Advisor and Chief Accounts Officer (G), East Central Railway Hajipur.
6. The Deputy Comptroller and Auditor General of India (Railways), New Delhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sajid Salim Khan, Advocate.
For the Respondents : Mr. D.K. Sinha, Sr. Advocate.
Mr. Rajnandan Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-07-2016

Defect pointed out by the office is ignored.

2. Heard learned counsel for the parties.

3. The order dated 31st of August, 2015 passed by the learned Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in O.A. No. 050/00515/2015 is subject matter of challenge in the present writ application, whereby the Tribunal has not entertained an Original Application filed by the petitioner under

Section 19 of the Administrative Tribunals Act, 1985 for the reason that it is barred by limitation.

4. The petitioner attained the age of superannuation on 30th of June, 2011. Petitioner claims benefit of Modified Assured Career Progression Scheme (for short "M.A.C.P."). As per the petitioner he joined the Northern Railway on 4th of July, 1980 and was promoted as Sub Head. Subsequently, he was transferred on his request to Eastern Railways on 13th of December, 1985 with bottom seniority. The petitioner has been promoted on 30th of May, 2001 and thereafter on 14th of October 2004. The petitioner claims that he is entitled to 3rd and last M.A.C.P.

5. The petitioner has invoked the jurisdiction of the Tribunal in 2015 i.e. after more than four years of his superannuation. The claim of the petitioner is in respect of higher financial upgradation, the right of which, if any, accrued to the petitioner during the period when he was in active service. Since the petitioner has not raised any claim within the period of limitation contemplated by the Administrative Tribunal Act, 1985, he cannot be permitted to claim financial upgradation after more than four years of his superannuation.

6. We do not find any error in the order passed by the Tribunal which may warrant interference in the present writ

application.

7. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Narendra
N.A.F.R.

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