

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15563 of 2013

Prabhat Kumar Son of Sri Rajendra Prasad the then Divisional Electrical Engineer in the office of Chief Project Manager, Railway Electrification, Hajipur, at present serving as Divisional Electrical Engineer (TRD), E.C. Railway, Sonpur, Resident of House No 4M/81, Bhootnath Ashram Road, Bahadurpur Housing Colony, P.O.- Bahadurpur, P.S.- Agamkuan, District- Patna- 800026 (Bihar)

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board, New Delhi- 110001
2. The Member (Electrical), Railway Board, New Delhi- 110001
3. The General Manager, Central Railway, Mumbai
4. The Chief Personnel Officer (Electrical), Central Railway, Chatrapati Shivaji Terminal Mumbai, Mumbai
5. The General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar)
6. The Chief Personnel Officer, East Central Railway, Hajipur, District- Vaishali (Bihar)
7. The Chief Electrical Engineer, East Central Railway, Hajipur, District- Vaishali (Bihar)
8. The Deputy Chief Electrical Engineer, East Central Railway, Hajipur, District- Vaishali (Bihar)

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. M.P. Dixit, Advocate

For the Respondent/s : Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 05-04-2016

Petitioner is aggrieved by the order of the Central Administrative Tribunal, Patna Bench, Patna dated 12.05.2010, passed in O.A. No. 287 of 2004 whereby his application for grant of promotion to Group-B was rejected as barred by limitation. The petitioner had not even filed any application for condonation of delay.

We have heard Sri M.P. Dixit, learned counsel for

the petitioner and learned counsel for the respondents and with their consent are disposing of this writ petition at this stage itself.

The petitioner was initially in the Central Railways. He was transferred to East Central Railways in the year 1997 but alleges that his lien in the Central Railways continued up to 2002. In between, he learnt in the year 2001 that examinations were being held for the promotional post in Group-B. He, accordingly, applied for permission to appear in the said examination, which was scheduled for 20.01.2001. According to him, permission even though conditional, was granted only after the scheduled date of examination. This is contested by the Railways on the ground that though it was sought to be served upon him much prior to examination, he had refused to take it as it was conditional. Be that as it may, the petitioner could not sit in the said examination. His own case is that he came to know that the examinations were then conducted on 18th of March, 2001 and naturally he could not attend as it was being conducted at Bhusawal under the Central Railways. He was, thus, denied opportunity to get promotion. He, accordingly, filed a representation in the year 2003 for grant of promotion. The representation was not responded to, and, accordingly, in the year 2004 the present Original Application was filed.

Having considered the matter, in our view, there is

hardly any explanation for the delay. In 2004, when application was filed before the Tribunal, the petitioner is trying to challenge and seek his promotion, which, according to him, was wrongly denied to him in the year 2001. Surely, the application was barred by limitation as the cause of action arose in the year 2001. Why for so many years petitioner took no steps is not disclosed.

In that view of the matter, we find no error in the order of the Tribunal. The writ petition is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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