

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO.2084/2002  
M.A. NO.1703/2002

This the 14<sup>th</sup> day of August, 2002.

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

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

Lakhan Lal Meena S/O Lalji Ram Meena,  
J.E.-I, Diesel Loco Shed,  
Shakurbasti, Delhi,  
R/O 310/2, Railway Colony,  
Shakurbasti,  
Delhi.

... Applicant

( By Shri G.D.Bhandari, Advocate )

-versus-

1. Union of India through  
General Manager, Northern Railway,  
Baroda House, New Delhi.

2. Divisional Railway Manager,  
Northern Railway, State Entry Road,  
New Delhi.

3. Dy. Chief Mechanical Engineer (Dsl.),  
Northern Railway,  
Diesel Shed, Shakurbasti,  
Delhi.

... Respondents

O R D E R

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

Applicant has challenged Annexure A-1 dated 10.3.1998 whereby names of 13 persons have been placed on provisional panel for the post of Senior Section Engineer/DSL/Mech. grade Rs.2000-3200 to the exclusion of applicant's name who is stated to belong to ST community.

2. The learned counsel of applicant stated that the said selection was made on the basis of written test held on 30.8.1997, supplementary test on 6.9.1997 and

viva voce on 28.1.1998. It is claimed that whereas applicant had cleared the written test he failed in the viva voce test. Although applicant is an ST candidate and he has unblemished record of service, he was not empanelled in the selection. The learned counsel further stated that respondents have conducted another selection as per Annexure A-9 dated 14.5.2002 to fill up 8 posts of Section Engineer/DSL/Mech. against 80% promotion quota. This time, respondents have not declared applicant passed even in the written test. Applicant has sought quashing and setting aside of the panel dated 10.3.1998 (Annexure A-1) and direction to respondents to consider applicant as having been selected in the said panel.

2. Applicant has filed the present OA on 6.8.2002 and also after respondents had undertaken the next selection, after a gap of more than four years. Cause of action, if any, had arisen to applicant on 10.3.1998 when Annexure A-1 was issued to the exclusion of applicant's name from the provisional panel for the aforesated post. Thereafter respondents have held another selection in the year 2002 and applicant has now woken up after a gap of more than four years to challenge the earlier selection. The OA is badly barred by limitation. We have considered various grounds stated in the OA and find that no substantial case has been made out even otherwise.

3. Having regard to the above reasons, the OA is dismissed in limine.

V.K.Majotra

( V.K.Majotra )  
Member(A)

Lakshmi Swaminathan

( Smt. Lakshmi Swaminathan )  
Vice-Chairman (J)

/as/