

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 37/2019

Date of decision: 18.11.2019

Hon'ble Mr. Suresh Kumar Monga, Member (J)
Hon'ble Mr. A. Mukhopadhaya, Member (A)

1. Rupesh Kumar Kharera S/o Sh. Lal Singh Kharera resident of Hansaka, Village Hansaka Tehsil Rewari, District Rewari.
2. Santosh Kumar S/o Ghewar Ram resident of Bhopal Garh, Tehsil Bhopal Garh, Jodhpur.

Both had applied for Course Completed Apprentices (Substitutes) Group-D employees which stood referred by Chief Works Manager.

...Applicants.

(By Advocate: Shri Sunil Samadaria)

Versus

1. Union of India through it's General Manager, West Central Railways, Indira Market, Jabalpur-482001.
2. Chief Personnel Officer, North Western Railways, Zonal Office, Malviya Nagar, Near Gold Souk, Jaipur-302017.
3. Chief Works Manager, North Western Railways, Ajmer-305007.

...Respondents.

ORDER (ORAL)

Per: Suresh Kumar Monga, Member (J):

The Chief Personnel Officer, West Central Railway, Jabalpur addressed a letter dated 15.05.2008 (Annexure A/3) to Chief Personnel Officer, North Western Railway, Jaipur informing

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therein that a list of 33 Course Completed Apprentices has been received for consideration of their cases for appointment as Substitute Group "D" in West Central Railway. An intimation with regard to any other Course Completed Apprentices of the Workshop was also sought therein. The said letter was also endorsed to the Chief Works Manager, North Western Railway, Ajmer for information and necessary action. Consequent thereto, the Chief Works Manager, Ajmer forwarded the names of six Course Completed Apprentices including the names of applicants herein vide letter dated 16.07.2008 (Annexure A/4).

2. It has been averred by the applicants that 30 out of the list of 33 Course Completed Apprentices were appointed as Substitute Group "D" and, whereas, no action was taken over the aforesaid list of six candidates forwarded by the Chief Works Manager, Ajmer. It has further been averred that the applicants waited for sufficiently long time expecting a favourable decision regarding their appointment as Substitute Group "D" at par with the other candidates. However, the office of General Manager, Jabalpur vide letter dated 13.03.2008 (Annexure A/1) has informed that no action has been taken pursuant to office noting dated 26.08.2008 (Annexure A/5).

3. Aggrieved by the communication dated 13.03.2018 vide which an application under Right to Information Act, 2005 has

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been dealt with by the respondents, the applicants have preferred the present Original Application under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter called as the Act).

4. A perusal of letter dated 16.07.2008 (Annexure A/4) reveals that pursuant to a letter dated 15.05.2008 (Annexure A/3) the applicants' names were forwarded by Chief Works Manager, Ajmer to Chief Personnel Officer, West Central Railway, Jabalpur for consideration of their cases for appointment as Substitute Group "D". Prior to issuance of letter dated 16.07.2008 (Annexure A/4), the Chief Personnel Officer, West Central Railway, Ajmer had already received a list of 33 Course Completed Apprentices. Out of the said list, 30 candidates were appointed as Substitute Group "D". In any case, the alleged non consideration of the candidatures of the applicants herein took place way back in the year 2008. The applicants remained in a deep slumber. They did not approach this Tribunal within the period of limitation as prescribed under Section 21 of the Act. After about a decade, an application dated 20.02.2018 was moved by one of the applicants which was replied by the Public Information Officer vide letter dated 13.03.2018 (Annexure A/1).

5. In our considered view, an information supplied under the provisions of Right to Information Act, 2005 by the Public Information Officer cannot be construed as an order passed by

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the competent authority. Neither the said information supplied on an application submitted by an applicant after about a decade can extend the limitation in view of the provisions of Section 21 of the Act.

6. In the case in hand, the applicants have not even filed a Miscellaneous Application seeking condonation of delay in filing the Original Application.

7. In the facts and circumstances of the case, after a period of about a decade, the applicants herein cannot be permitted to challenge the alleged non consideration of their candidatures for appointment as Substitute Group "D" in the respondent Railway.

8. Consequently, the Original Application is dismissed being barred by limitation. However, there shall be no order as to costs.

(A.Mukhopadhaya)
Member (A)

(Suresh Kumar Monga)
Member (J)

/kdr/