

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 2299/98

New Delhi: this the 16th day of May, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A):

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Pooran Mal,

S/o Shri Lasna Ram,

C/o Durga Lal,

Q.No. 101/7, Railway Quarters,

Delhi Sadar Bazar Station,

Delhi-6

...Applicant.

(By Advocate: Shri K.M.M. Khan)

Versus

1. Union of India,
through
the Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi-1.

3. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi-1

...Respondents.

(By Advocate: Shri R.K. Shukla proxy for
Shri VSR Krishna)

ORDER

HON. MR. S. R. ADIGE, VC (A).

Applicant seeks a direction to call him for a fresh medical examination for being considered for the post of Carriage & Wagon Safaiwala.

2. Applicant's contention is that in response to a notification for selection to the post of C & WS, he applied being fully eligible, and qualified for the said post on the basis of marks and performance obtained in the selection test conducted by respondents. He claims to have been declared qualified and placed at Sl. No. 128 out of 300 qualified candidates in the

merit list prepared by respondents and published vide letter dated 10.12.85 (Annexure A). He contends that pursuant to the said merit list he was given the appointment letter vide letter dated 15.6.86 (copy not filed) and was instructed to report for his medical examination by 8.2.86 and submit his medical certificates upon which the instruction to join duties would be issued to him. He states that he underwent medical examination in Railway Hospital and submitted all relevant documents, but nothing has been communicated to him till now.

3. He seeks a direction to call him for fresh medical examination as has been done to applicants of O.A. No. 1284/96 and No. 2706/98.

4. We have heard applicant's counsel Shri Khan. Proxy counsel appeared for respondents. No reply has been filed by them.

5. Applicant's grievance by his own admission arose in 1985-86. This O.A. filed on 13.10.98 is, therefore, grossly time barred and squarely hit by limitation u/s 21 A.T. Act. It is well settled in Bhoop Singh Vs. Union of India JT 1992 (3) SC 322 that judgments and orders of the Court in other cases do not give rise to a cause of action which has to be reckoned from the actual date. Under the circumstances, the order in O.A. No. 1284/96 or

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OA No. 2706/98 or indeed in any other OA does not extend applicant's period of limitation which arises from 1985-86 itself. Moreover nothing has been produced by applicant to satisfy us that his case for appointment was rejected on medical grounds alone, which calls for a fresh medical examination.

6. Applicant in para 4.26 of the OA stated that it is within limitation from the date of reply of his representation received from respondents. That reply is dated 28.12.94 (Annexure-T) as is clear from para 4.19 of the OA but this OA itself was filed on 13.10.98 and is therefore clearly hit by limitation under section 21 A.T. Act.

7. The OA is therefore, dismissed. No costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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