

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No.869 of 1998

New Delhi, this the 3<sup>rd</sup> day of January, 2000

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Shri Chander Pal Singh  
S/o Shri Ram Kumar Singh  
Joytiba Phule Nagar  
Amroha (U.P). at present employed  
at 1098, Kucha Matwa,  
Chandni Chowk. Delhi.

Applicant

By Advocate Shri D.K. Garg.

Versus

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

2. Divisional Railway Manager,  
Northern Railway,  
Moradabad (U.P).

3. Public Works Inspector  
Najibabad,  
District Bijnor (U.P).

...Respondents

By Advocate Shri R.L. Dhawan.

ORDER

Hon'ble Mr. Kuldip Singh, Member (J)

This O.A. has been filed under Section 19 of the Administrative Tribunal's Act, 1985. by Chander Pal Singh, applicant in this case who seeks a direction to the respondents commanding the applicant to engage him as Gangman or in any other appropriate post and to regularise his services as he had already worked for more than 360 days.

2. The applicant claims that in the years 1983 and 1984 he had worked on the post of Gangman as a casual labourer and in all he had worked for more than 360 days and after 31.12.1984 he had never been engaged. He claims

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to have made several representations to the respondents and he also says that he has a reasonable belief that persons who were engaged after him as Gangman had already been absorbed on permanent post by the respondents, but none of his representations has ever been considered or answered.

3. He also claims that his case is within limitation.

4. The respondents contested this O.A. mainly on the ground that the application is barred by time and is not maintainable.

5. They further stated that the applicant himself claims to have worked as casual labourer Gangman in the years 1983-84 and he submitted his representation for the first time in the year 1997, i.e., after a lapse of almost 13 years, which shows that the applicant is not interested in the service of the respondents, so the application being time barred, cannot be allowed.

6. It is further stated that no representation has ever been received by the office of the respondents at all, so it is prayed that the application be dismissed.

7. I have heard the learned counsel for the parties and have gone through the records.

8. When the plea of limitation was raised, then the

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applicant filed a rejoinder and in that he has alleged that he had made several representations and he has annexed photocopies of the representations and postal receipts. The respondents have also filed their additional reply to the rejoinder filed by the applicant and stated that even as per the rejoinder, the earliest representation submitted by the applicant is of 1.10.1986 and by that time also, the claim of the applicant has become time barred. As such, the O.A. should be dismissed.

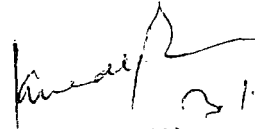
9. I have considered the matter carefully. It is an admitted position that the applicant had not worked after 31.12.1984 and he has filed the present O.A. on 27.3.1998 and as such, there is no explanation as to why he kept silent for a long period of 14 years.

10. Though the applicant has alleged that he had made various representations and he has placed on record certain postal receipts and the photocopies of the so called letters written by him earlier, but when his applications were not being answered to, why did he kept silent for such a long period is not understandable. It is a settled law that repeated representations do not extend the period of limitation. When after the first representation he was not given any satisfactory reply or was not given any job, he should have immediately approached the Tribunal in the year 1986 itself. So failure on the part of the applicant for filing any application before the Tribunal even for 12 years from

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1986, when he had made his first representation, will go to show that the applicant himself was not interested for working under the respondents. Such a long spell of intervening period when applicant was not offered any job under the Railway Authorities, is fatal to the O.A. and the same is liable to be dismissed.

11. In view of the above, we do not find any merit in the O.A. and the same is accordingly dismissed. No order as to costs.

  
(KULDIP SINGH)  
MEMBER (J)

Rakesh