

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 2747/97

New Delhi: Dated this the 24 day of September, 1998.

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

Ram G. Kesswani,
Section Officer (Retd.),
Railway Board, M/o Railways,
Rail Bhawan,
New Delhi.
R/o H.No. II/K/75,
Lajpat Nagar,
New Delhi-24

..... Applicant.

(By Advocate: Shri H.K. Gangwani)

Versus

Union of India & others
through

1. The Chairman,
Railway Board,
Rail Bhawan,
New Delhi.

2. The Secretary,
Railway Board,
Rail Bhawan,
New Delhi

..... Respondents.

(By Advocate: Shri V.S. R. Krishna)

ORDER

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

Applicant impugns order dated 3.10.97
(Annexure-A1) and seeks benefit of respondents'
Circulars dated 31.5.95 and 26.9.95 (Annexure-A4 Only).

1. Heard both sides.

2. Applicant's claim is based not on any legally
enforceable right, but a contingency, namely had
the D.P.C which was held on 6.4.92 been held prior to
applicant's superannuation on 31.12.92, he would
have been regularised before his date of superannuation
and would then have been entitled to the benefits of

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the aforesaid circulars. No claim which is not based on a legally enforceable right can succeed, and furthermore if applicant had a grievance in regard to the date when the DPC was held, that is 6.4.92 his cause of action arose atleast from that date if not an earlier date, but this OA was filed on 19.11.97 and is therefore squarely hit by limitation under section 21 AT Act.

4. The OA is dismissed. No costs.

Anil Agarwal
(S. R. ADIGE)
VICE CHAIRMAN (A).

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