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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.386/1997

New Delhi, this 13th day of August, 1998

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

Shri Subhash Chandra
c/o S.K. Diwakar
Carpair Factory
Okhla Phase II, New Delhi .. Applicant

(By Advocate Shri B.S. Maine)

versus

Union of India, through

1. Secretary
Ministry of Railways
New Delhi
2. General Manager
North Eastern Railway
Gorakhpur
3. Divisional Railway Manager
North Eastern Railway
Izatnagar .. Respondents

(By Advocate Shri P.S. Mehandru)

ORDER

Hon'ble Shri S.P.Biswas

The applicant, a son of a railway employee, claims to have been engaged as Additional Booking Clerk at Fatehgarh Railway Station from 1.6.83 to 31.7.83 and again from 1.1.84 to 31.3.84 and seeks the benefit of the order passed by this Tribunal in the case of Pradeep Kumar Srivastava & Ors. V. UOI & Ors. ATR 1993(1) 185 (OA 395/91 decided on 29.10.92) which was subsequently upheld by the Hon'ble Supreme Court vide its judgement dated 27.7.95 in an SLP in the case of UOI V. Pradeep Kumar Srivastava & Ors. He made representation on 16.2.92 followed by another on 28.10.95.

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2. Opposing the claim, respondents in their reply would submit that the services of the applicant were engaged not in pursuance of the scheme of 1973-74 formulated by the Railway Board but on the basis of a decision taken at the zonal level in order to help the unemployed wards of serving railway servants and that the applicant was disengaged much prior to the issue of circular dated 17.11.86. They would further contend that the case is badly hit by limitation.

3. We do not find any details provided by the applicant to establish that he had approached the respondents in the summer rush periods of 1984, 1985 and 1986 and denied the jobs. He should have represented his case to SM/Fatehgarh immediately after summer of 1984. He did not do so in 1984 or in 1985. We also find that the case is also badly hit by limitation.

4. Applicant has filed MA for condonation of delay. All the issues raised in this OA inclusive of the pleas taken by the applicant for condonation of delay have been discussed threadbare by this Tribunal in OA 1785/94 decided on 13.7.88 as also in OA 1862/97 with three other OAs decided separately today. The ratios arrived at therein are squarely applicable to the facts and circumstances of the present case.

5. In the result, the application is dismissed ^{being} devoid of merit as well as hit by limitation. No costs.

S. P. Biswas
(S.P. Biswas)
Member (A)

T. N. Bhat
(T.N. Bhat)
Member (J)