

Open Court

**Central Administrative Tribunal, Allahabad Bench,
Allahabad**

O.A. No.330/00149/2021

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr.Tarun Shridhar, Member (A)**

This the 8th day of February, 2021.

Pramod Kumar s/o Krapal Singh r/o Nagla Gopi, Mursan, District-Hathras.

Applicant

By Advocate: Sri Gaurav Tiwari

Versus

1. Union of India through Secretary, Ministry of Railway, New Delhi.
2. Divisional Railway Manager, East Central Railway, Mugalsarai.
3. Assistant Personal Officer, East Central Railway, Mugalsarai.

Respondents

By Advocate: Sri Pramod Kumar Rai

ORDER

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

We have heard Sri Gaurav Tiwari, learned counsel for applicant and Sri Pramod Kumar Rai, who has appeared on behalf of respondents, on advance notice, on admission and perused the record.

2. Learned counsel for applicant has submitted that applicant qualified the written examination and physical efficiency test and he was called for document verification, which was scheduled on 1.5.2019. After document verification, he was declared successful and on 11.2.2020, he was issued provisional appointment letter for the post of Helper in Signals and Telecommunications Department at Mugalsarai.

3. The grievance of the applicant is that on so many occasions, he went to the office to join his service, but he was not allowed to join. He made a representation, but when no response was given by the respondents, he filed the present O.A., seeking a direction for the respondents, to permit the applicant to join his post.

4. To the contrary, learned counsel for respondents has vehemently opposed the admission of the instant O.A. by contending that applicant never went to office to join his post, even after several letters issued by the department to him. It is further contended that applicant never made even any effort to join and he had never made any representation for that purpose.

5. In this regard, learned counsel for respondents has drawn our attention to Annexure A-7 to the O.A., which is the typed copy of an undated representation, and has contended that there is no mention of any date on the representation, to show as to when and on which date, the applicant went to office to join his duties.

6. Our attention has also been drawn to the letter dated 25.11.2019 (Annexure A-5) and letter dated 13.12.2019 (Annexure A-6). Annexure- 5 is the appointment letter dated 25.11.2019, whereby, the applicant was directed to report in the office on 13.12.2019. Annexure -6 is the letter dated 11.2.2020, sent by Divisional Railway Manager, E.C. Railway, DDU to the applicant, whereby the applicant was advised to report in the office within 15 days positively along with all original documents mentioned in the offer letter, otherwise his candidature will be treated as cancelled.

7. Our attention has also been drawn to Annexure A-8, which is the copy of letter dated 2.6.2020, sent by DRM, EC, Railways as 2nd reminder to the applicant, by learned counsel for respondents, who submitted that despite a condition clearly mentioned in the earlier letter dated 11.2.2020, that in case of failure to join the office within 15 days, the candidature of the applicant will be treated as cancelled, department gave one more opportunity to the applicant on 2.6.2020 to report in the office within 15 days, but with condition that in case of default, his candidature will be treated as cancelled.

8. However, despite second reminder, the applicant did not go to join his duty and now he has woken up from his long slumber and is asking the court to issue a direction to the respondents to permit him to join the duty.

9. In the O.A., the applicant has not mentioned any date on which he had gone to Mugalsarai to join his duty. There is no mention of any date in his undated representation, copy whereof has been annexed as Annexure No. A-7 to the O.A. Therefore, it cannot be said that whether the applicant ever had really gone to join his duty or not.

10. As the applicant himself was not careful and was sleeping over his right and despite two reminders sent personally to him by the department and despite ample time and opportunity given by the respondents to him, he did not bother to join his duty.

11. In view of the above facts and circumstances, we are of the firm view that the applicant has no case. There is a famous legal maxim "**Vigilantibus Non Dormientibus Jura**

Subveniunt", meaning thereby that "The laws serve the vigilant and not those who sleep over their rights."

11. The O.A. is devoid of any merit and is liable to be dismissed at the admission stage. Accordingly, O.A. is dismissed.

12. No order as to costs.

**(Tarun Shridhar)
Member (A)**

**(Justice Vijay Lakshmi)
Member (J)**

HLS/-