

Central Administrative Tribunal, Principal Bench

O.A.No.133/93

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 10th day of April, 1997

Smt. Kamla Devi
widow of Shri Ram Sahai
r/o H.No.141, Vill. & P.O. Dhansa
Najargarh
New Delhi. ... Applicant

(By Shri Yogesh Sharma, proxy of Shri V.P.Sharma,
Advocate)

Vs.

1. Union of India through the
General Manager
Western Railway
Churchgate
Bombay.
2. The Divisional Railway Manager
Western Railway
Jaipur.
3. The Loco Foreman
Loco Shed
Jaipur(Raj.).
4. The Secretary
Railway Board
Rail Bhawan
New Delhi. ... Respondents

(By Ms. B. Sunita Rao, Advocate)

O R D E R(Oral)

The applicant submits that she was engaged in the Railway department as Cinder Picker on 9.6.1976. She was medically examined on 9.1.1977 and was declared C-1 category medical pass, as per Annexure A2. Another examination was conducted on 28.5.1979 when she was declared medically unfit in A-1 category which is for running staff but was fit in C-1 category. Thereafter her services were terminated verbally by the Respondent No.3 on 30.5.1979 without any reasons. She made an appeal as per Annexure A4 thereupon she was again re-engaged in C-1 category. Finally her services were

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disengaged in April, 1980. She now seeks a direction to the respondents to re-engage her in accordance with her medical categorisation.

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2. The respondents were called upon to file a reply but did not do so despite numerous opportunities afforded to them.

3. I have heard the counsel. The learned counsel for the respondents argues that the case is time barred as the services of the applicant were last disengaged in 1980. The applicant cannot make a claim now on the basis of re-engagement of her juniors. I agree that the applicant cannot at this distance of time seek relief on the basis of freshers and persons with less casual service being engaged by the respondents. I find however, that she is a widow and according to the learned counsel for the applicant, she is willing to accept any job. In view of this position and considering that no reply has been filed by the respondents, the OA is disposed of with a direction that in case she makes a representation to the respondents for re-engagement, the same representation will be considered and orders passed by the respondents within a period of three months. O.A. is disposed of accordingly. No costs.


(R.K. AHOOJA)
MEMBER (A)

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