

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 22nd day of August 2003

Original Application no. 760 of 1996.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Administrative Member.

1. Harish Chandra, s/o Sri Amar Nath,
R/o 82, Collectorganj, Suvedarganj,
Allahabad.
2. Mohammad Ahshan, s/o Sri Mohammad Musa,
R/o 34, Nawab Yusuf Road, Allahabad.

... Applicants.

By Adv : Sri RN Rai and Sri AS Diwakar

Versus

1. Union of India, through General Manager,
Northern Railway, Rail Bhawan, Baroda House,
New Delhi.
2. Divisional Railway Manager, Northern Railway,
D.R.M. Office, Nawab Yusuf Road, Allahabad.
3. Senior Divisional Personnel Officer,
Northern Railway, D.R.M. Office, Nawab Yusuf Road,
Allahabad.
4. Senior Divisional Commercial Supdt. D.R.M. Office,
Nawab Yusuf Road, Allahabad.

... Respondents

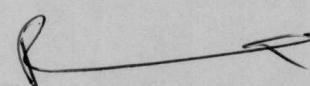
By Adv : Sri G.P. Agarwal

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

By this OA filed under Section 19 of the A.T. Act,
1985, the respondents to the applicants have prayed for a direction to regularise
their services in accordance with law.

2. The facts of the case are that the applicant no. 1



....2/-

2.

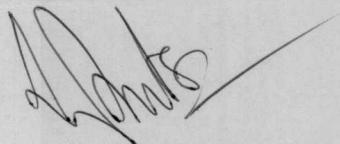
Harish Chandra was engaged as casual Porter on 10.7.1978. He worked upto 3.5.1979. His date of birth is 29.10.1957. Applicant no. 2, Mohammad Ahshan was engaged on 18.7.1977 and worked upto 15.5.1979. His date of birth is 13.10.1958. In 1987, after a gap of about 8 years, applicant no. 1 was given opportunity to serve as Waterman from 21.4.1987 to 14.8.1987. In 1988 also, applicant no. 1 worked as Waterman from 10.5.1988 to 14.8.1988. For temporary period of two or three months, he worked upto 1990. Mohd. Ahshan was also engaged as casual Waterman for a temporary period ~~of~~ likewise applicant no. 1. Thereafter, by order dated 11.8.1989 ~~service~~ ^{from engagement} applicant no. 2 was retranched ~~as~~. He was paid one month's salary in lieu of service ^{as} required under section 25 F of ID Act. The applicant no. 1 was also not allowed to work, thereafter.

3. The case of the respondents is that the post of Waterman ~~been~~ has/abolished. This OA has been filed on 17.7.1996 i.e. after about more than 6 years. The age of the applicants, as per document, (Ann A1 and A2) is above 45 years.

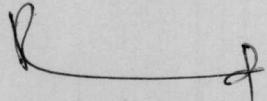
4. Considering the facts and circumstances and delay involved, in our opinion, applicants are not entitled for any relief.

5. Learned counsel for the applicant submitted that an affidavit has been filed explaining delay. We have perused the affidavit. However, we are not satisfied. The applicants could not claim that the cause of action had arisen to them

on the basis of the judgment in the cases filed by others.
In the circumstances, the OA is dismissed as time barred
with no order as to costs.



Member (A)



Vice-Chairman

/pc/