

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

(16)

THIS THE 5TH DAY OF FEBRUARY, 2001

Original Application No.114 of 1997

CORAM:

HON.MR.JUSTICE ASHOK AGARWAL, CHAIRMAN

HON.MR.S.DAYAL, MEMBER(A)

Ashok kumar Sahu, son of Sri M.L.Sahu
aged about 38 years, r/o 256,
Kydganj, Allahabad.

... Applicant

(By Adv: Shri Satish Dwivedi)

Versus

1. Union of India through the General Manager
Northern Railway, Baroda House
New Delhi.
2. The General manager, Northern Railway
Baroda House, New Delhi.
3. The Director Establishment,
Railway Board, Rail Bhawan
New Delhi.
4. The Secretary, Railway Board
Rail Bhawan, New Delhi.

... Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R (Oral)

MR.S.DAYAL, MEMBER(A)

The applicant has filed this OA for a direction to the respondents to allow him the third chance to complete the Training Course of Assistant Station Master or allow him to appear in the Training Course of Goods Clerk or Office Clerk or Accounts Clerk from Zonal Training School Chandausi.

The admitted facts are that the applicant was selected for the post of Assistant Station Master. He was thereafter

sent for training from 4.2.1984 to 3.8.1984 but failed to qualify. He was given second opportunity from 2.2.1985 to 16.8.1985 but again failed to qualify. Applicant thereafter made a representation to the respondents upto the stage of Minister. The Joint Director Establishment, by a letter dated 6.11.1990 to the Chief Personnel Officer Northern Railway, informed that the request of the applicant to be given third chance was placed before the Minister but was not agreed to but the Minister on the request of the applicant had directed for consideration of appointment of the applicant in a Group 'D' post as a special case.

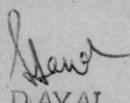
We have heard Shri Satish Dwivedi, learned counsel for the applicant and Shri Amit Sthalekar, the learned counsel for the respondents.

The learned counsel for the applicant has now supported the request of the applicant for a third opportunity on the basis of an authority and order passed by the Tribunal in OA No.133/88 on 29.9.1992 between Manoj Kumar Vs. Union of India and others wherein the said applicant was given a third chance.

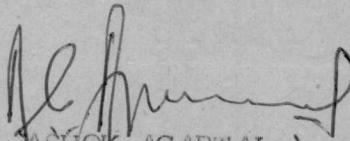
The learned counsel for the respondents has contested the claim of the applicant by mentioning that the prayer of the applicant for relief is grossly time-barred and the applicant had already acquiesced in the order of respondents for his appointment against Group 'D' post and he has been working as a casual worker on account of his own request and the direction of the Minister. We find that the claim of the applicant for relief at this stage is grossly time barred.

(18)

The judgment in 'Manoj Kumar's case (Supra) does not extend the period of limitation. The claim of the applicant was rejected by an order of the Joint Director of the Railway Board dated 6.11.1990 and the applicant has filed this OA on 24.12.1996. Thus, there is a gap of six years, which could not be explained by the applicant. The OA is, therefore, dismissed as being grossly time-barred. No costs.


(S. DAYAL)

MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN.

Nath/