

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS 01st DAY OF AUGUST, 2000

Original Application no.1257 of 97

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI, VICE CHAIRMAN

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

Dwarika Prasad, Son of Shri Mahabir
R/o Vill. Barai Harakh Post
Holagarh, District Allahabad.

... Applicant

(By Adv: Shri C.P.Gupta)

Versus

1. Union of India, through Chief Accountant General(A&E)-I, Uttar Pradesh, Allahabad.
2. Senior Accounts Officer/Admn Office of Chief Accountant General(A&E)-I, Uttar Pradesh, Allahabad.

... Respondents.

(By Adv: Shri S.K.Anwar)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi, V.C.)

This application has been filed for quashing order dated 7.10.1997(Annexure 1st to the application) and for direction to the respondents to appoint the applicant on the post of Chaukidar with all consequential benenefits.

The claim of the applicant is that he was selected for appointment in 1990 and a proposal for medical examination and for submitting the proof of the age was given. However, thereafter appointment order has not been issued then the applicant filed representation which has been rejected by the impugned order.


In the counter affidavit it has been disclosed that on medical examination applicant's age was reported to be of 35 years. He disputed that, then another medical examination was got conducted through the C.M.O, Allahabad who also ultimately gave opinion that the applicant is at

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of 35 years. The applicant submitted a transfer certificate, ^{on} which ^{the} inquiry conducted by District Inspector of Schools ^{and} Principal Soraon High School, was found to be a forged one. In these circumstances, the appointment order could not be issued to the applicant. As the Integrity of the applicant was not above board he was refused the appointment.

It is also noteworthy that this application was filed on 19.11.97 i.e. after about seven years ^{of the} ~~and~~ proposal of appointment, which was ultimately not given effect to. For this delay the learned counsel for the applicant submitted that the applicant filed representations before the authorities. Seven years delay is required to be explained before this application may be heard. However, from the perusal of the record we do not find any sufficient cause for condoning the inordinate delay. Shri S.K.Anwar learned counsel for the respondents produced the original record pertaining to the applicant from which it appears that on 23.4.1991 the applicant was informed that proposal to appoint him as Chaukidar has been ^{cancelled} ~~cancelled~~. The applicant was fully aware of all the steps taken by the department but he failed to approach this Tribunal within the limitation provided U/s 21 of the Act. In the circumstances, the application is also ^{barred} ~~time~~ and is rejected with no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 01.8.2000

Uv/