

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

Original Application No.51 of 1997.

Allahabad this the 03rd day of June 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

1. Paras Nath Yadav  
S/o late Shri Kut Kut Yadav,  
R/o Saidanpur, Post Muradganj,  
District Jaunpur.
2. Hari Ram Yadav  
s/o late Sri Kit Kit Yadav,  
R/o Saidanpur, Post Muradganj,  
District Jaunpur.

.....Applicants.

(By Advocate : Sri A.K. Srivastava)

Versus.

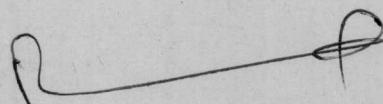
1. Divisional Railway Manager  
(Northern Railway) Lucknow.
2. Station Superintendent  
Station Jaunpur City, District Jaunpur.
3. Shri S.P. Upadhyay  
Contractor (Parcel Porters)  
Northern Railway through D.R.M. Lucknow.
4. Union of India  
through Secretary  
Ministry of Railways  
New Delhi.

.....Respondents.

(By Advocate : Sri P Mathur)

O\_R\_D\_E\_R

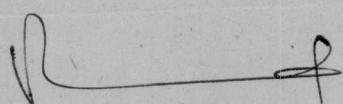
By this O.A., filed under section 19 of  
Administrative Tribunals Act 1985, the applicants have  
prayed for direction to respondents to regularise them  
in service on the post of Parcel Porter at City Station,  
Jaunpur.



2. Sri P Mathur learned counsel for the respondents has submitted that applicant No.1 Paras Nath Yadav has already expired on 02.08.2002 hence he cannot be considered for regularisation. So far as applicant No.2 is concerned, learned counsel for the respondents has submitted that he worked on the post of Parcel Porter from March 1989 to July 1989, only for 139 days under Contractor and on the basis of service rendered for such a short period, right for regularisation cannot be claimed. It is submitted that applicant No.2 never worked on this post. Application was filed on 02.01.1997, after about 8 years delay. There is no explanation for long and inordinate delay. Thus, the applicant is not entitled for any relief on the ground of ~~error~~ due to delay, as held by Hon'ble Supreme Court ~~has held~~ in the case of Sri R.C. Sharma Vs. Udhamp Singh Kamal and others 2000 S.C.C ( L&S ) 53 <sup>of Hon'ble Delhi High Court</sup> and Full Bench Judgment Jagdish Prasad Vs. Union of India and others 2002 (3) ESC (Delhi) page 576.

3. In the circumstances, the O.A. has no merit and is accordingly dismissed.

No order as to costs.

  
Vice-Chairman.

Manish/-

Date of Registry.

Recall A.P.M. 50/08  
on 51/97.

Recall Application No. 50/08  
in on 51/97 filed on 29/11/08  
by the counsel for applicant  
against the judgement /  
order dated 3/6/03 by  
Hon. Mr. Justice R.R.L. Triwedi, V.C  
Submitted before Hon'ble Court  
for orders.

Recd  
17.1.08.

S. 2(1). The recall  
application is  
barred by Rule 15(2)  
as the O.P. was decided  
permitted.

Recd  
18-1-08

OP-51/97

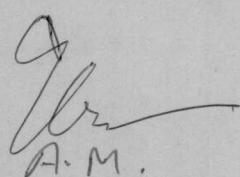
22-1-2008

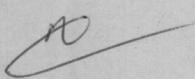
Hon. Mr. K.S. Menon, A.M.

Shri U. Nath holding brief of Shri A. K. Srivastava, Counsel for the applicant and Shri A. N. Ambasta holding brief of Shri P. Mathur.

The applicant's counsel has moved restoration application No. 50/08. It is seen that the OA was dismissed on merits, vide order of this Tribunal dated 3-6-2003 against which this restoration application has been filed on 9-1-2008. This recall application is time barred under Rule 15(2) of the C.A.T. Rules.

The restoration application is accordingly rejected.

  
A.M.



File  
24-1-08