

CENTRAL ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE SECTION
ALLAHABAD.

O.A.No./T.A.No. 810/97

Date of decision 15.09.03

Wasif Rub

Applicant(s)

C/A Shm V. Nath

Counsel for the

Applicant (s)

VERSUS

Union of India & others

Respondent (s)

G.R. Shm Parthasar

Counsel for the

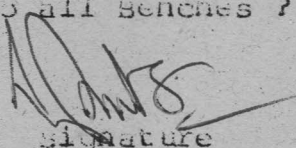
Respondent (s)

C O R A M.

Hon'ble Mr. Gen K.K. Swasthava v.e. Member (A)

Hon'ble Mr. A.K. Bhatnagar, Member (J)

1. Whether reporters of local papers may be allowed to see the judgement ?
2. To be referred to the reporters or not ?
3. Whether their Lordship wish to see the fair copy of the judgement ?
4. Whether to be circulated to all Benches ?


Signature

Manish/

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.810 of 1997

Allahabad this the 15th day of September 2003

Hon'ble Maj Gen K.K. Srivastava, Member(A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

Wasif Rub Son of Sri Abdul Rub resident of 45-A,
Karbala, post office Leader Press, Allahabad.

Applicant

By Advocate Shri Vikram Nath

Versus

1. Union of India through Secretary, Ministry of
Railway, Rail Bhawan, New Delhi.
2. General Manager(Personnel), Northern Railway,
Baroda House, New Delhi.
3. Divisional Medical Officer, Northern Railway,
Lucknow.

Respondents

By Advocate Shri Prashant Mathur

O R D E R

By Hon'ble Maj Gen K.K. Srivastava, Member(A)

In this O.A. filed under Section 19 of the
Administrative Tribunals Act, 1985, the applicant has
prayed for direction to the respondents to absorb the
applicant in the alternative category 'C' post for
which he is otherwise found fit and suitable.

2. The facts in brief are that a Notification
was issued during the year 1986 for the post of Asstt.
Electric Driver. The applicant applied for the same,

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appeared in the written examination on 16.02.1986 and viva voce on 09.10.1986. Thereafter, result was declared and applicant was declared successful. The medical examination of the applicant was held on 15.06.1987 but, he was declared unfit on the ground that he was suffering from colour blindness. The grievance of the applicant is that as per Railway Board Circular dated 28.10.1962, the respondents could consider the case of the applicant for alternate appointment. Shri V.Nath, learned counsel for the applicant submitted that on coming to know that in similar circumstances one Shri Praveen Kumar was given alternative appointment during October, 1995 (annexure-10) whereas the claim of the applicant has not been considered, ^{he} he filed a detailed representation before the General Manager(P) Northern Railway, Baroda House, New Delhi on 26.12.1996, followed by reminders dated 18.03.1997(annexure A-11), ^{by} same remains to be undecided/undisposed of till today. In support of his contention, learned counsel for the applicant has placed reliance on the Judgment of this Tribunal dated 22.12.1995 passed in O.A. No.952/92(annexure A-15). Learned counsel submitted ^{in the above case} that the Tribunal set aside the orders of Deputy Director(Establishment)Railway Board and also the order of General Manager(P), Northern Railway, Baroda House, New Delhi, and directed to consider the case of the applicant for appointment if necessary by relaxation of eligibility condition regarding maximum age. Learned counsel for the applicant has further placed reliance on the Judgment of Principal Bench of this Tribunal's case of Bhagwan Das Vs. Union of India and Others 1987(5) A.T.C.441, and submitted

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that the applicant's case ought to be considered as he was similarly situated with one Shri Praveen Kumar.

3. Resisting the claim of the applicant, Shri Prashant Mathur, learned counsel for the respondents raised a preliminary objection regarding limitation relying upon the Judgment of Hon'ble Supreme Court in the case of Ramesh Chand Sharma Vs. Udham Singh Kamal and others 2000 S.C.C.(L&S) 53. Learned counsel for the respondents further submitted that it will not be possible for the department to give alternative job to the applicant at this belated stage as he has become overage.

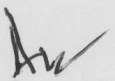
4. We have heard the learned counsel for the parties and carefully perused the pleadings on record.

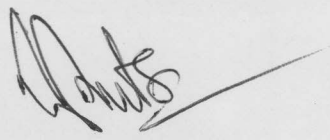
5. We considered the question of limitation in this case. The applicant is claiming the appointment on any alternative post on the basis of selection made in 1986-1987. By order dated 08.10.1991, the respondents informed the mother of the applicant that applicant cannot be absorbed in alternate category as his selection was for single post i.e., Assistant Electric Driver. Thus the cause of action arose to the applicant on 08.10.1991 and therefore, the O.A. is barred by period of limitation. Further the applicant has cited the case of one Praveen Kumar who was appointed in the year 1995. Even if we take 1995 for the purpose of limitation, The O.A. is highly time barred. The argument of the applicant's counsel

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that the applicant has been representing to the authorities all along and respondents ought to have decided the same, has no substance. Legal position is well settled that filing of subsequent reminders will not extend the period of limitation.

6. The O.A., is grossly time barred and is accordingly dismissed with no order as to cost.


Member-J


Member-A.

/m.m/