

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 14th day of November, 2003.

Original Application No. 608 of 1998.

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

Doodh Nath a/a 50 years. S/o Sri Gorakh Nath
R/o Village- Maldepur, P.O. Khorl Pakar,
Distt. Ballia.

.....Applicant

Counsel for the applicant :- Sri Rakesh Verma

V E R S U S

1. Union of India through the General Manager,
N.E Railway, Gorakhpur.
2. The Divisional Railway Manager,
N.E Railway, Varanasi.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R

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

In this O.A filed under section 19 of Administrative Tribunals Act, 1985, the applicant has prayed for direction to the respondents to permit the applicant to resume his duties as Points Man or to place the applicant under suspension in accordance with law.

2. Heard counsel for the parties at length, considered their submissions and perused records.
3. The case of the applicant ^{b.h} that he was served with a charge-sheet on 07.01.1984 (annexure-1). He appeared before the respondents for joining duties in 1997 but he was not allowed to join duties. The respondents in their counter affidavit have stated that the discipline

proceedings were initiated against the applicant for unauthorised absence in the year 1980-1982. The applicant filed his representation on 27.12.1997 (annexure CA-1). It appears that the applicant also filed another representation dated 15.01.1998 which was disposed of by the respondents by letter dated 11.11.1998 (annexure CA- 2) directing the applicant to contact the departmental officer with full details. The respondents have stated that the applicant never contacted the departmental officers with full facts and filed this O.A. In absence of details it is not feasible for the respondents to decide the applicant's case.

4. The applicant in para 4.4 of the O.A has stated that he reported for duty on 07.01.1984 but he was not allowed. Obviously the cause of action arose on 07.01.84. The applicant in his O.A has not stated as to what transpired between 1984, 1996. It is surprising that the applicant has ^{would have} surfaced ^{he also did not report for duty during this period} all of sudden after lapse of more than 12 years.

5. In view of the fact that the cause of action arose on 07.01.1984 and the applicant on his own did not pursue for redressal of his grievance by the respondents for a very long time, we have no hesitation to hold that the O.A deserves to be dismissed on the ground of limitation under section 21 of the Administrative Tribunals Act, 1985.

6. In view of the above, the O.A is dismissed on the ground of limitation with no order as to costs.


Member- J.


Member- A.

/Anand/