

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1371 OF 2001
ALLAHABAD THIS THE 24TH DAY OF FEBRUARY, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

Abdul Khaliq,
aged about 50 years,
son of Peer Mohammad,
resident of Dairy on son,
Mohalla Neelkothi,
Sajina Masjid,
Post Tehri,
District-Rohtas, (Bihar).

.....Applicant

(By Advocate Shri B.P. Srivastava)

Versus

1. The Union of India,
through the General Manager,
Eastern Railway,
Kolkatta.
2. The General Manager,
Eastern Railway,
Kolkatta.
3. The Chief Personnel Officer,
Eastern Railway,
Kolkatta.
4. The Chief Works Manager,
Eastern Railway,
Plant Depot,
Mugalsarai.

.....Respondent

(By Advocate Shri K.P. Singh)

ORDER

By this O.A. filed under section 19 of Administrative
Tribunals Act 1985, applicant has prayed for a direction to

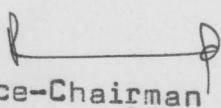


The General Manager, respondent no.2 to consider the case of the applicant for appointment on the post of Khalasi or any other Class IV post from the date his juniors were re-appointed.

2. The facts of the case are that the applicant worked as Khalasi from 1969, to May 1971 in the Plant Depot of Eastern Railway, Mugalsarai. The total working days of applicant was 727 days and thereafter he stopped to work. It is admitted position that after 1971, applicant has not worked in any capacity for the Railways. He made representations in 1998 to Member of Parliament. Then the case of the applicant was examined by The General Manager. In his letter dated 25.03.1998 addressed to Hon'ble Member of Parliament, it was mentioned that applicant was called for screening in 1974 but he failed to appear. It is also mentioned that the applicant had already left service. Then he again requested for absorption but he could not be absorbed as he failed to appear before the screening committee. Thus, a cause of action arose to applicant in 1974 or in any case in 1978. This O.A. has been filed on 20.11.2001. There was a long and inordinate delay. The cause of action for delay given is that learned counsel for the applicant was approaching Member of Parliament. However, making successive representations here or there cannot explain this inordinate delay. By this time more than 30 years have passed, the applicant must have crossed 50 years of age. After the age of 50 years there is no question of absorption in service at this stage.

3. The O.A. has no merit and dismissed as barred by limitation.

4. There will be no order as to costs.


Vice-Chairman