

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 17th day of April 2002.

QUORUM : HON. MR. C.S. CHADHA, A.M.

HON. MR. A.K. BHATNAGAR, J.M.

O.A. No.665 of 2001.

Brindavan a/a 60 years s/o Sri Ram Nath r/o H.No.9, Pulliya
No.9, Jhansi.....

..... Petitioner.

Counsel for petitioner : Sri R.K. Nigam.

Versus

1. Union of India through General Manager, Central Railway,
Mumbai CST.

2. Divisional Railway Manager, Central Railway, Jhansi.

.....

..... Respondents.

Counsel for respondents : Sri A.K. Gaur.

O R D E R (ORAL)

BY HON. MR. C.S. CHADHA, A.M.

The case of the applicant is that he was found medically unfit and decategorised by the Railways and 'Settled' on 14.10.98. His claim is that in accordance with the existing circulars, if he was not fit for his job, he should have been given other alternative job with the same pay-scale for which he could be considered to be physically fit. Instead of taking any such action, he was simply asked to sit at home and given his retirement benefits. He has, therefore, challenged the said order of the respondents as arbitrary and against the extant rules of the Railways.

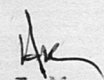
2. In reply, the learned counsel for the respondents stated that after he was 'settled', he did not even represent and applied for another job without any demur and filled up the necessary forms. He has, therefore, argued that the applicant never represented against his so called 'settlement'. It has been further claimed by the respondents that the so called representations filed by the applicant as Annexures




5 to 8 have never been received by the Railways. Moreover, he has argued that the benefit claimed by the applicant is based on Railway Board letter dated 24.9.99 which can only have prospective effect. It cannot be applied with retrospective effect to the applicant because he was 'settled' in 1998. The learned counsel for the applicant, however, stated that the rule already existed in 1995 (Annexure-4), and was only recompiled in 1999.

3. The question to be decided first is whether the O.A. is within time. Even if it is assumed that in 1998 when the applicant was 'settled', the rules of 1995 permitted that he should have been given another job of equivalent salary, he should have made a representation in this behalf rather than accepting the 'settlement' without any demur. Not only he accepted the 'settlement' he never represented before the authorities for the redressal of his grievance. Even if it is assumed that he represented and did not get any relief, he should have filed an O.A. within one year of the action challenged by him. Since he was 'settled' on 14.10.1998 and since he filed this O.A. on 23.5.01, we come to the conclusion that the O.A. is highly time barred and need not be considered on merit. The O.A. is accordingly dismissed.

No order as to costs.


J.M.


A.M.

Asthana/
17/19.4.02