

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 12th day of July, 2001.

CORAM :- Hon'ble Mr. S. Dayal, Member- A.
Hon'ble Mr. S.K.I. Naqvi, Member- J.

Original Application No. 804 of 2001.

Prabhat Kumar S/o Mahadev Prasad. R/o Vill. and Post
Pata, Distt. Auraiya.

.....Applicant.

Counsel for the applicant :- Sri R.M. Pandey

V E R S U S

1. Union of India through the Chairman, Railway Board,
New Delhi.
2. The General Manager, Northern Railway, Baroda House,
New Delhi.
3. The General Manager (Personnel), Northern Railway,
Baroda House, New Delhi.
4. The Divisional Railway Manager, Northern Railway,
Allahabad.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur

O R D E R (Oral)

(By Hon'ble Mr. S. Dayal, Member- A.)

This application has been filed for direction to respondents to appoint the applicant in alternative category in pursuance of the Railway Recruitment Board circular date 13.02.1976. A direction is also sought to respondents to decide the representation of the applicant.

2. Applicant has mentioned that he applied for the post of Mechanical Fireman/ Diesel Assistant/ Assistant Electric Driver as SC candidate against recruitment notice dated 18.06.1990. Applicant qualified the written test and interview. The applicant after selection was sent for medical test in which he was declared medically unfit. The applicant claims that by circular dated 13.02.1976 he was entitled to alternative category of appointment for which he may be eligible after another medical examination. He was sent for medical examination by letter dt. 06.12.1991. Applicant was required before Medical Board of Northern Railway Hospital, Allahabad on 18.12.1991/ 21.12.1991. Applicant claims that he was declared fit for appointment in alternative category. His case, thereafter, is pending before the respondents.

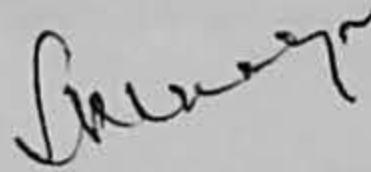
3. We have heard the arguments of Sri R.M. Pandey, learned counsel for the applicant on the point of limitation. We find that after applicant was required to appear before the Medical Board of Northern Railway Hospital, Allahabad, he was declared fit for A-3. There is no explanation as to what happened thereafter. Learned counsel for the applicant has submitted that he kept on contacting the respondents and ultimately he sent representation dated 31.05.2001 to G.M, Northern Railway, Baroda House, New Delhi.

4. Section 21 of the Administrative Tribunal's Act, 1985, provides that an application shall not be admitted in a case where a final order has been made in connection with the grievance unless the application is made within one year from the date on which such final order has been made or in case where an appeal or representation

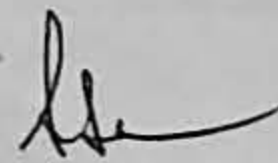
has been made and a period of six months have expired thereafter without such final order having been made within one year from the date of expiry of the period of six months. It is also provided that an application may be admitted after the period of one year or six months if the applicant satisfies the Tribunal that he has sufficient cause for not making application within such period.

5. As there is no explanation about the period after December, 1991 and more than 9 years have elapsed before the applicant has filed this O.A. This O.A can not, therefore, be treated within time and is dismissed as barred by limitation.

6. There shall be no order as to costs.



Member- J.



Member- A.

/Anand/