

(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. ..380/2001

Diary No. 2807/2001

Chandra Shekhar Sharma, s/o Sri S.L. Sharma

R/o House No. 10/79/F-4, Kakarmatta, Varanasi.

.....Applicant

Counsel for the applicant :- Sri Ganga Prasad

V E R S U S

1. Union of India through the Secretary, M/o Railway,  
New Delhi.
2. General Manager, Northern Railway, Baroda House,  
New Delhi.
3. Divisional Railway Manager, Moradabad Division,  
Northern Railway, Moradabad.
4. Chairman, Railway Recruitment Board, Allahabad.
5. Chief Medical Superintendent, Railway Hospital,  
Moradabad.

.....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 issue appointment letter for the post of

Physiotherapist in Northern Railway and to pay salary for each months to the applicant as and when falls due.

2. The case of the applicant is that he applied for the post of Physiotherapist in response to advertisement for the said post, and appeared in the written examination on 17.04.1994. He was called for interview on 30.09.1994 and was declared successful for appointment on the post of Physiotherapist. His name was recommended for the post in Moradabad Division of Northern Railway and Diesel Locomotive Workes, Varanasi by the Chairman, Railway Recruitment Board, Allahabad. Learned counsel for applicant has submitted that appointment letter has not been issued despite <sup>the fact that</sup> several letters have been written. Applicant filed representations Dt. 27.03.1995, 21.10.1995, 07.10.1996, 06.10.1997, 05.10.1998, 30.11.1995, 01.07.2000 and 09.01.2001.

3. We have heard the arguments of Sri Ganga Prasad, learned counsel for the applicant and Sri A.K. Gaur, learned counsel for the respondents.

4. Applicant has made his first representation on 27.03.1995 seeking appointment letter for the said post from D.R.M, Moradabad. As per the provisions of Section-21, 1 (b), the application has to be filed within a period of one year from the date of expiry of the period of six months. It can be admitted after the said period only if the applicant satisfies that he has sufficient cause for not making the application within period of limitation.

5. Learned counsel for applicant has filed delay condonation application in which he has stated that despite a number of representations respondents fail to issue letter of appointment. Since the last representation

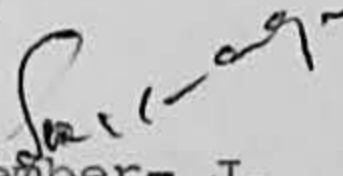


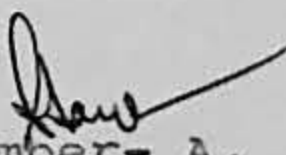
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was filed on 09.01.2001, this application should be treated within time.

6.. The matter of recurring cause of action and limitation by filing representations were considered in case of S.S. Rathore Vs. U.O.I & Ors. and it was held that representations do not <sup>extend</sup> ~~extend~~ the cause of action. We, therefore, hold that the application is barred by limitation and dismissed the application on the same ground.

7. There shall be no order as to costs.

  
Member- J.

  
Member- A.

/Anand/