

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 30th day of August, 2001.

Original Application No. 1046/2001.

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiuddin, J.M.

A.K. Jain, S/o Shri Pandit Munna Lal Ji Shastri,
R/o 14/1, Civil Lines, Near State Bank of India,
Station Road, Lalitpur.

(Sri Rakesh Verma, Advocate)

..... Applicant

Versus

1. Union of India through the
Secretary Ministry of Railways,
Government of India, New Delhi.
2. The General Manager Central Railway,
Chhatrapati Shivaji Terminus, Mumbai.
3. The Senior Divisional Engineer (HQ),
Central Railway, Mumbai.

(Sri K.P. Singh, Advocate) Respondents

O R D E R (Oral)

By Hon'ble Mr. S. Dayal, A.M.

This application has been filed with the prayer
that the respondents be directed to provide the applicant
alternative appointment in any suitable post, whicy may
be even lower in rank than the one on which he was
appointed after selection. A further direction is sought
to direct the respondent no.2 to dispose of the pending
representation of the applicant dated 26-10-2000.

2. The facts of the case as narrated by the applicant
are that the applicant was selected for the post of
Inspector of Works, Grade III by the Railway Service

Commission and the result was communicated to him on 30-4-1983. The applicant was medically examined in B-1 Category in which he was found fit vide medical certificate dated 28-8-1983. He was duly appointed as Apprentice Inspector of Works, Grade III on 5-9-1983 and was sent for practical training for six months under I.O.W. Mantunga. I.O.W. Central Railway, Mantunga wrote a letter to Assistant Engineer (Works) during the period of training of the applicant that the applicant in his opinion was deaf and was not able to hear instructions easily. The applicant completed his training and was not given any regular posting thereafter. The applicant was directed to be medically examined afresh and to present himself before the Additional Chief Medical Officer, Byculla, Mumbai. The Additional Chief Medical Officer, Byculla, Mumbai sought certain clarifications which were given and the applicant was subjected to special medical examination on 02-1-1986 for Cat C-1 and C-2. He was declared unfit and thereafter not given posting order as I.O.W. Grade III or any alternative job.

3. We have heard Sri Rakesh Verma, counsel for the applicant and Sri Vinod Kumar, briefholder of Sri KP Singh, counsel for the respondents.

4. We find that the applicant has chosen to file this application before us after a gap of nearly 15 years of his being declared unfit and ceasing to perform any duty for the respondents. This is inordinately long period.

5. Learned counsel for the applicant draws our attention to para 4(xv) of the OA in which he has mentioned that the applicant has not been given any posting in

alternative job nor has he been served with any letter of removal, dismissal, compulsory retirement or discharge from service. He also states that the name of the applicant exists in the Railway Administration in Bombay and, therefore, he is still a Railway servant who has not been given any duty nor paid any salary.

6. Thus submission of the learned counsel for the applicant cannot be accepted as the applicant has chosen to keep quite for a period of 15 years and then come to the Tribunal for agitating his claim. The claim being stale as cause of action arose long back and is barred by limitation. The OA is, therefore, rejected at the admission stage. There shall be no order as to costs.

Dantwala *Shah*
Member (J) Member (A)

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