

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Original Application No.1613 of 2004.

Allahabad, this the 5th day of January, 2005.

Hon'ble Mr. A.K. Bhatnagar, J.M.

Hon'ble Mr.D.R. Tiwari, A.M.

G.P. Srivastava,
Son of Late Sri A.P. Srivastava,
Resident of 118, Badshahi,
Mandi, Allahabad (U.P.).

....Applicant.

(By Advocate : Shri A.K. Srivastava)

Versus

1. Union of India,
through General Manager,
Chittaranjan Locomotive Works,
Chittaranjan. (W.B.).
2. The Chairman,
Railway Board Baroda House,
New Delhi.
3. The Chief Personal Officer,
Chittaranjan Locomotive Works,
Chittaranjan. (W.B.).

....Respondents.

(By Advocate : Shri K.P. Singh)

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, J.M. :

By this OA the applicant has prayed for direction to the respondents to give notional promotion to the post of Dy. CME from which he was deprived due to alleged act of the authority. He has further prayed for payment of arrears thereon.

2. The brief facts giving rise to this OA are that the applicant was recruited by the Railway Service Commission and was appointed as Chargeman Gr.II on 11.11.1963 and joined in the Steel Foundry CLW/Chittaranjan till date of retirement i.e. 31.07.1992. After few months of the applicant's joining,

post of Chargeman Gr.I ~~was~~ fell vacant for which the applicant ~~was~~ applied being fully eligible for the post. His claim was ignored by the respondents because one Sri T.K. Majumdar, Senior Officer was demanding illegal gratification which was refused by the applicant. As per applicant he was given wrong treatment by one Doctor M.K. Mukerjee, Dental Surgeon, KGH/CLW/CRJ which was later on detected to be poisonous. Having aggrieved the applicant made a representation to the authorities on various dates i.e. 15.05.1994, 20.11.1999, 20.11.2001 and 05.11.2002 and met personally also with the respondents but no action has so far been taken, therefore, he filed this O.A.

3. Learned counsel for the applicant submitted that the post of Chargeman Gr.I fell vacant in the year 1964 for which the applicant has preferred his claim.

4. Learned counsel for the respondents on the other hand has submitted that the claim of the applicant is highly time barred and, therefore, the present O.A should be dismissed in limine.

5. We have heard learned counsel for the parties and perused the record. Admittedly the post of Chargeman Gr.I fell vacant in the year 1964 and the cause of action also arose in that year. The applicant has come to this Tribunal after about 40 years when the cause of action arose. It is well settled legal position that by sending representation after representation ~~does not get extended~~ the period of limitation ~~is no where extend~~. The view we finds support from the judgment in R.C. Sharma Vs. Udhamp Singh Kamal SC (AISLJ)2000 (2) page 89. Moreover, the applicant has filed this O.A after about 40 years. No delay condonation application has been filed. Learned counsel for the applicant submits that the delay condonation application is ready and it may be filed after annexing the proper affidavit shortly.

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6. After hearing both counsel for parties we are of the view that this O.A is highly time barred. Accordingly it is dismissed being highly time barred in limine. No costs.

Member- A.

Member - J.

/Anand/