

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of March, 2004.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.  
HON. MR. D. R. TIWARI, A.M.

O.A. No. 226 of 2004

Gulab Chand Srivastava S/O Late Satya Narain Lal, former  
Engine Cleaner (Substitute) North Eastern Railway, Loco  
Shed, Allahabad city R/O 1/4, E.W.S. Colony, Allapur,  
Allahabad.....

.....Applicant.

Counsel for applicant : Sri A.S. Dubey.

Versus

1. Union of India through the General Manager, N.E.R.,  
Ministry, Gorakhpur.
2. Divisional Railway Manager (Karmik), N.E.R., Varanasi.
3. Assistant Mechanical Engineer, North Eastern Railway,  
Varanasi.....

.....Respondents.

Counsel for respondents : Sri K.P. Singh.

ORDER (ORAL)

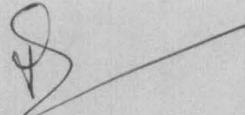
BY HON. MRS. MEERA CHHIBBER, J.M.

By this O.A. applicant has sought a direction to Respondent Nos.1 to 3 to consider the case of the applicant regarding his reappointment and to consider his representation in accordance with law.

2. It is submitted by the applicant that he was disengaged in the year 1989 along with one Sri Shyam Lal Yadav S/O Sri Baliram Yadav on the ground that their period of working have not been found to be correct (Page 20). Yet subsequently the said Sri Shyam Lal Yadav has been regularised vide letter dated 28.9.1989 (Page 29) but applicant has been totally ignored. Therefore, being aggrieved he gave number of representations and ultimately by letter dated 23.2.96, applicant was informed that his name has been entered in the Live Casual Labour Register and he would be re-engaged on availability of vacancy (Page 28).



3. Grievance of the applicant is, that since persons junior to him have been regularised, he could not have been ignored or discriminated against. Applicant has filed an application for condonation of delay bearing M.A. No.1975/04. The only justification given therein is that applicant had been giving representations to the authorities from time to time, therefore, delay in approaching the Tribunal may be condoned. At this juncture it would be relevant to quote the judgment of Hon'ble Supreme Court in case of Jaidev Gupta Vs. State of Himachal Pradesh & another 1999 Vol.I AISLJ 110 wherein it was held by Hon'ble Supreme Court that continued representations do not keep the limitation alive. Even in the case of S.S. Rathore, Hon'ble Supreme Court has held that the maximum period within which the applicant should come to the court as per A.T. Act is 18 months from the date of cause of action. In this case admittedly the applicant's services were disengaged in the year 1989 and if he was aggrieved by the said order, he ought to have challenged his disengagement from the date of cause of action maximum within 18 months. It is further seen that Sri Shyam Lal Yadav was also regularised in the year 1989 and even at that time applicant did not approach any court within the period of limitation. Therefore, this case is clearly barred by limitation. The reasons given by the applicant in his application for condoning the delay cannot be accepted in view of the law laid down by Hon'ble Supreme Court wherein it is held that the repeated representations do not extend the period of limitation. Apart from this ground applicant has not given any other <sup>the</sup> ground for condemning delay. We are, therefore, not satisfied by the reasons given by the applicant in his application for condoning the delay. M.A. No.1075/04 is accordingly rejected.



: 3 :

Since no case has been made out for condoning the delay and the O.A. is barred by limitation, the same is dismissed at the admission stage itself with no order as to costs.

*Asthana*  
A.M.

*J.M.*  
J.M.

Asthana/