

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.511 of 2004.

Allahabad this the 04th day of August 2004.

Hon'ble Mr. A.K. Bhatnagar, Member-J.

Zamal Ahmad
Son of Sri Hasan Ali Khan
Resident of 350/404, Kaharwan,
Beharipur, Bareilly.

.....Applicant.

(By Advocate : Sri R.C. Pathak)

Versus.

1. Union of India
through G.M., N.E. Railway,
Head Quarter, Gorakhpur.
2. The Chief Personnel Officer,
N.E. Railway, Head Quarter,
Gorakhpur.
3. Divisional Railway Manager (D.R.M)
N.E. Railway, Izzatnagar, Bareilly.
4. The Senior Divisional Personnel Officer,
N.E. Railway Izzatnagar, Bareilly.
5. Sanjeev Kumar
Son of Sri Ram Singh,
10/11, Seva Nagar, New Colony,
New Delhi.

.....Respondents.

(By Advocate : Sri K.P. Singh)

O R D E R

By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for a direction to respondent No.2 to quash the impugned order dated 25.01.2001 issued by respondent No.2 shown as Annexure A-2 of Compilation No.1 to the original application. He has further prayed for a direction to the respondents to issue similar orders likewise 30.07.1999 issued by A.C. P.O. D.R.M. Office, Izzat Nagar, Bareilly in favour of applicant appointing on Group 'D' post shown as Annexure A-1 of Compilation No.1 to the original Application.

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2. The brief facts giving rise to this case as per the applicant are that the father of the applicant namely Sri Hasan Ali Khan was the employee of Indian Railways, who left and deserted the mother of the applicant after the birth of two children the applicant and his sister. The applicant has no source of income. He is 26 years old and has passed High School ^{also}. Applicant has sent a representation to the Hon'ble ^{Railway} Minister for appointment on Group 'D' post in Railways as his father deserted his mother. Since then he has continuously been sending his representations to the Railway Minister and Authorities for getting appointment in the Railways but no action has been taken so far by the respondents. The sole grievance of the applicant is that one Sri Sanjeev Kumar was given appointment vide office order dated 30.07.1999, although the applicant has also sent his representation for appointment as has been granted to Sri Sanjeev Kumar but no action has been taken so far.

3. Sri R.C. Pathak learned counsel for the applicant submitted that the applicant sent his last representation on 08.04.2003 which is filed as Annexure A-27 to the O.A.

4. Learned counsel for the respondents submitted that there is no such rules in the Railway Department under which the applicant could be employed. Learned counsel for the respondents further submitted that the O.A. is barred by limitation.

5. I have heard counsel for the parties and perused the records.

6. Admittedly, the applicant is claiming the benefit which has been granted to one Sri Sanjeev Kumar in the year 1999 as shown by Annexure A-1 to the O.A. If the applicant was aggrieved by any action of the department, he could have very

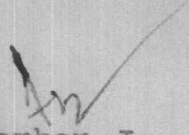
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well filed OA within a period specified under the Act. The applicant has filed this O.A. on 19.04.2004 after a gap of more than 04 years. Learned counsel for the applicant has prayed in relief clause one for quashing the impugned order dated 25.01.2001 filed as Annexure A-1 even if the cause of action arose in 2001 then this O.A. should have been filed within a period of limitation which the applicant has not done. ^{Moreover} ~~no~~ delay condonation application has been filed alongwith this O.A.

7. Under these circumstances, I find that this O.A. can be decided at the admission stage itself without calling for counter affidavit.

8. The O.A. is clearly barred by period of limitation, accordingly is dismissed as not maintainable on the ground of limitation only. However, it is open for the applicant to make representations to the respondents if so advised which may be acted upon as per Rules.

No costs.


Member-J.

Manish/-