

(RESERVED)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 27 ~~th~~ day of October, 2005.

Original Application No. 111 of 2005.

HON'BLE MR. S.C. CHAUBE, MEMBER- A.

JHALLE, S/o Sri Panjan
R/o Vill. & Post- Bijraotha,
Majra- Taparian, Tehsil- Behat,
Distt. Lalitpur.Applicant

PRESENT FOR THE APPLICANT : Sri P. Maurya

V E R S U S

1. Union of India through General Manager,
N.C. Railway, Allahabad.
2. General Manager,
North Central Railway, Allahabad.
3. Divisional Railway Manager,
N.C. Railway, Jhansi.
4. Station Master, Bijraotha,
N.C. Railway, Lalitpur.Respondents

PRESENT FOR THE RESPONDENT: Sri A.K. Gaur

O R D E R

The applicant seeking condonation of delay in filing
the O.A. has filed civil Misc. Application No.563/2005.

2. The applicant through the present O.A filed under section 19 of the AT Act, 1985 has sought direction for respondents to provide temporary status to the applicant and give other related benefits .

Shank

3. Briefly, the fact are that the applicant was initially appointed as Waterman on 01.04.1979 at Railway Station, Bijraotha and worked up to 31.07.1979. Subsequently from 1979 to 22.07.1999 the applicant worked as Waterman at Railway Station Bijraotha as casual labour, the details of which as follows: -

01.04.1979 to 31.07.1979= 30+31+30+31= 122 days
 01.05.1980 to 10.07.1980= 14+30+31= 75 days
 01.05.1981 to 16.07.1981= 29+30+31= 90 days
 01.04.1982 to 27.07.1982= 30+31+30+27=118 days
 07.06.1983 to 31.07.1983= 24+31 = 55 days
 01.04.1984 to 28.07.1984= 30+31+30+28= 119 days
 01.04.1985 to 28.07.1985= 30+31+30+28= 119 days
 01.04.1986 to 28.07.1986= 30+31+30+28= 119 days
 01.04.1987 to 28.07.1987= 30+31+30+28= 119 days
 01.04.1988 to 28.07.1988= 30+31+30+28= 119 days
 01.04.1989 to 28.07.1989= 30+31+30+28= 119 days
 01.04.1990 to 28.07.1990= 30+31+30+28= 119 days
 01.04.1991 to 22.07.1991= 30+31+30+22= 105 days

The Station Master, Bijraotha sent a letter dated 17.04.1987 to Senior Divisional Personnel Officer, Jhansi stating that the applicant had worked from 01.04.1979 to 28.07.1985 (Annexure- I to the O.A). Later the Divisional Railway Manager (Personnel), Jhansi vide letter dated 16.04.1987 asked the Station Master/Sr. Superintendent, Bijraotha to direct the applicant to deposit the fee for physical medical examination in the office of DRM (P), Jhansi (Annexure- II to the O.A). The applicant was medically examined by the Medical Officer but the case of the applicant was not considered. Subsequently in the year 2001, the department asked the applicant to fill up the fresh form so that the case of the applicant may be

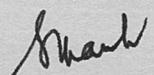
Shank

(Q)

considered for grant of temporary status. Accordingly the applicant filled up form in September, 2001. The Medical Officer on 15.09.2001 medically examined the applicant. While one Sri Jasroo, who was also working as Waterman at Bijraotha Railway Station, had been granted temporary status, the case of the applicant was rejected.

4. The learned counsel has submitted that the applicant is entitled for grant of temporary status as he has worked from 1979 to 1991. Learned counsel has further submitted that several other persons, who were working as casual Waterman have been granted temporary status and the applicant has been discriminated in violation of Article 14 and 16 of Constitution of India. The applicant lastly medically examined on 25.09.2001 by the Medical Officer, H.C. Tal Behat, Lalitpur and has been found fit. However, the respondents have not considered the case of the applicant.

5. Learned counsel for the respondents has filed preliminary objection to the O.A and has contended that the explanation in delay for filing O.A is not satisfactory. In support of his contention he cited the judgment of Hon'ble Supreme Court in Ramesh Chandra Sharma Vs. U.C. Kamal 2000 SCC(L&S) 53 wherein it was decided that a time barred application cannot be considered on merits.. During the course of arguments learned counsel for the respondents also cited the case of Administrator of Union Territory of Daman and Diu and Others Vs. R.D. Valand 1996 SCC (L&S) 205 and submitted

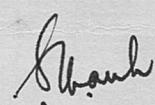


(10)

that successive and repeated representations will not extend the limitation of period after a long delay.

6. In the course of arguments, learned counsel for the applicant also desired to file Suppl. Affidavit enclosing therewith order dated 30.08.2001 issued by the D.R.M (P), North Central Railway, Jhansi and he was allowed to do so within a week. However, the counsel for applicant has filed no such Suppl. Affidavit so far.

7. Having heard counsel for parties and in view of the case law cited above, I am of the opinion that the present O.A is barred by period of limitation as the applicant has been sleeping over his claim since 2001. In the facts and circumstances of the case, the Tribunal will not be justified in putting the clock back by more than 5 years. In these circumstances, the O.A is dismissed being highly time barred with no costs.


MEMBER- A.

/ANAND/