

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 703 of 2005

Allahabad this the 10th day of August, 2010

Hon'ble Mrs. Manjulika Gautam, Member (A)

1. Ashok Dhyani S/o Late G.P. Dhayani r/o 101 B Sharvan Kateer Anand Bagh Bhairana, Allahabad. Presently posted as Booking Clerk at Rly Station, Bharwari.
2. Chandra Mani Chanchal s/o Late D.P. Singh r/o Q. No. 128 CD IInd Avenue smith Road, Allahabad. Presently posted as a Goods Guard at Rly. Station, Allahabad.
3. Mukesh Kumar Tiwari s/o Shri Rajendra Tiwari r/o 568 Mutthiganj, Allahabad. Presently posted as a Ticket Collector at Rly. Station, Allahabad.
4. Pankaj Verma s/o Late Laxmi Narayan Verma r/o 656 n Loco Colony, Allahabad. Presently posted as Booking Clerk at Rly. Station, Allahabad.
5. Murli Dhar Pandey s/o Shri Ram Nath Pandey r/o 33/6 P.D. Kydganj, Allahabad. Presently posted as Parcel Clerk Rly. Station, Allahabad.
6. Geeta Sharma d/o Cheri Lal Sharma r/o 19, Eligin Road, Civil Lines, Allahabad. Present working as Senior Booking Clerk at N.C. Rly. Station, Allahabad.
7. Km. Sobha Srivastava d/o S.K. Lal Srivastava r/o 142 C, Rajrooppur, Allahabad. Presently posted as Senior Booking Clerk at N.C. Rly., Allahabad.
8. K.Y. Narayan s/o Shri S.P. Narayan r/o 256/69/E, Tiliknagar, Allahpur, Allahabad. Presently posted as Senior research and Development clerk at N.C. Rly., Allahabad.
9. Sushil Verma s/o Shri Shyam Lal Verma, r/o 350/231-K Sultanpur Bhawa, Allahabad. Presently posted as a Senior Parcel Clerk at N.C. Rly. Allahabad.
10. Devendra Pratap Singh s/o Shri Sheo Pratap Singh r/o H. No. 159/128, Bhusawali Tola, Khuldabad, Allahabad. Presently posted as a Booking Clerk at N.C. Rly. Station, Meja Road.



11. Baldev Singh s/o Sri Chandra Bhan Singh r/o 550 F Ghanshyam Nagar Rly. Coloney, Allahabad. Presently posted as Booking Clerk Rly. Station, Allahabad.
12. Hari Vilash s/o Sri Jawahar Lal r/o 542 M Rly Coloney Ghanshyam Nagar, Allahabad. Presently posted as booking clerk at Rly. Station Sirathu.
13. Brijesh Chandra Pandey s/o Ambika Prasad Pandey r/o 501-1 Coloney Subedarganj. Presently posted as a Parcel Clerk at Rly. Station, Allahabad.
14. Pramod Kumar s/o Sri B.D. Jawahar r/o 65/Q.R. 7th Avenue N.Y. road, Rly Coloney C.D. Allahabad. Presently posted as a Parcel Clerk at Rly. Station, Kanpur.
15. Sunil Kumar Singh s/o Chandrika Singh r/o 958/171/2 Rajrooppur, Allahabad. Presently posted as a Goods Guard at Rly. Station, Allahabad.
16. A.K. Pandey s/o Late R.Y. Pandey r/o Village Belwar P.O. Dubawal, District Allahabad. Presently posted as Ticket Collector, Rly. Station, Allahabad.

Applicants

By Advocate: Sri R.V. Mishra

Vs.

1. Union of India through General Manager, Northern Central Railway, Allahabad.
2. Divisional Railway Manager, Northern Central Railway, Allahabad.

Respondents

By Advocate: Sri Prashant Mathur

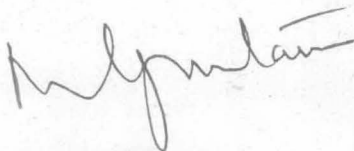
ORDER

By Hon'ble Mrs. Manjulika Gautam, A.M.

Heard Sri R.V. Mishra, Counsel for the applicants and Sri Prashant Mathur, Counsel for the respondents, and perused the pleadings on record.

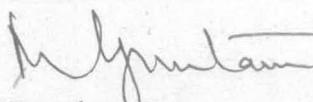
2. During the course of arguments, it became apparent that the relief (s) sought in this O.A. are: -

"i. to issue an order or direction commanding and directing the respondents to give the appointment to the applicants on the post of mobile clerk for which the applicants are legally entitled.



- ii. *to issue an other suitable order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.*
- iii. *to award the cost of the petition in favour of the applicants.*

The arguments on the other hand being advanced by Counsel for the applicants is on the issue of grant of temporary status to the applicants. Counsel for the respondents stated that this matter is highly time barred as grant of temporary status became due in the year 1986 and the O.A. has been filed in the year 2005. There is no delay condonation application on the record nor has any effort been made to explain such an inordinate delay. O.A. deserves to be dismissed on the ground of delay and laches as the cause of action arises in the year 1986 and applicants continued making sporadic representations until the year 2004, and finally filed the O.A. in the year 2005. No grounds for condoning the delay are available in the record. Hence, the O.A. is dismissed on the ground of limitation. But keeping in view the fact that some of the applicant may still have some grievance left, they are at liberty to file representation to the competent authority within a period of 15 days from the date of receipt of a certified copy of this order, and the competent authority will decide the same within a period of two months from the date of receipt of the representations. This liberty is being given as a special case because there is no fault of the applicants in dismissal of the O.A.


Member (A)

/M.M/