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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated: This the 05<sup>th</sup> day of AUGUST 2005.

Original Application No. 872 of 2005.

Hon'ble Mr. D.R. Tiwari, Member (A)  
Hon'ble Mr. K.B.S. Rajan, Member (J)

Prabhat Kumar, S/o Sri Mahadev Prasad,  
R/o Vill and Post Pata,  
Distt: Auraiya.

.....Applicant.

By Adv: Sri R.M. Pandey

V E R S U S

1. Union of India through Secretary,  
Ministry of Railways, Govt. of India,  
NEW DELHI.
2. Chairman, Railway Board,  
NEW DELHI.
3. General Manager, (Personnel),  
Northern Railway, Baroda House,  
NEW DELHI.
4. Divisional Railway Manager,  
Northern Railway,  
ALLAHABAD.
5. Divisional Personnel Officer,  
Northern Railway,  
FIROZABAD.

.....Respondents

By Adv: Sri A.K. Gaur

O R D E R

By D.R. Tiwari, AM

By this OA, the applicant has prayed for the following reliefs:-

- i. "That this Hon'ble Court/Tribunal may graciously be pleased to allow the Original application and also issue direction to the respondent No. 3 to decide the representation dated 3.3.2005.

*H. S. Gaur*

ii. That this Hon'ble Court may also be pleased to direct the respondents to fix the date of the appointment of applicant as 18.6.1990 and declare his seniority and also fix his salary and also to ensure the payment of salary current and arrears.

iii. That this Hon'ble Court may also be pleased to issue any other and further order or direction as this Hon'ble Court may deem fit and proper under the circumstances of the case.

iv. ...."

2. The brief facts of the case are the applicant was initially selected in the year 1990 for the post of Assistant Electric Driver. However, in the medical examination he was declared unfit for that post. He being an SC candidate, provisions existing for alternative employment to him for a lower medical category (vide pg 30 of the OA) he was medically examined on 06.12.1991 for alternate employment. However, he was not considered for the same and it is as late as in the year 2000 that the applicant approached the Tribunal through an OA which was dismissed. Thereafter, he approached the Hon'ble High Court, which had directed the respondents to consider the case of the applicant. The Railway Administration, accordingly, offered the applicant the post of fitter (Electrical) in 2001 and the applicant joined the said post and further, has got one promotion in the year 2004.

3. As reflected from the prayer clause that through this O.A. the applicant wants that he should get the post with retrospective effect from June,

*Hia*

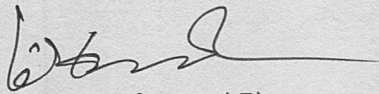
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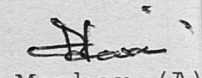
1990 with salary, seniority etc. In our considered opinion, we find that the Hon'ble High Court has not given him any latitude in this regard. The applicant had been keeping silent since 1991 and all of sudden in the year 2000, he filed an OA before this Tribunal, which was dismissed. Since there has been an inordinate delay and hence barred by limitation, the applicant cannot agitate at this late stage and the OA has to be only dismissed. There is another reason also for such dismissal inasmuch as the Hon'ble High Court, as stated above, did not give him any latitude with regard to the arrears of salary and seniority etc.

4. In view of the above, we find that the OA does not call for even issue of notice to the respondents and being devoid of merits coupled with the ground of limitation, the OA is dismissed.

5. Under the circumstances, there would be no order as to costs.

6. There shall be no order as to costs.

  
Member (J)

  
Member (A)

/pc/