

RESERVED

CENTRAL ADMINISTRATAIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated this the 29th day of July, 2009.

CORAM:

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

Original Application No. 986 of 2005
 (U/s 19 of the Administrative Tribunals Act 1985)

Jaipal Singh,
 S/o late Heera Lal,
 Resident of Village and Post Dhanora,
 District Gautam Budh Nagar. Applicant

By Adv: Sri A.K.Srivastava

VERSUS

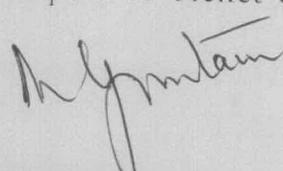
1. Union of India through General Manager,
 North Central Railway, Allahabad.
2. Divisional Railway Manager,
 North Central Railway,
 Allahabad Division, Allahabad.
3. Sr.Divisional Commercial Manager,
 North Central Railway, Allahabad Division,
 Allahabad.
4. Sr.Divisional Personnel Officer,
 North Central Railway, Allahabad Division,
 Allahabad.
 . . . Respondents

By Adv: Sri J.P. Tripathi

ORDERHON'BLE MRS. MANJULIKA GAUTAM, MEMBER (A)

The applicant was appointed as Token Porter on 26.6.1966.

He worked on the post of Ticket Collector in 1976, was reverted,



and again promoted to work as Ticket Collector on ad hoc basis vide order dated 31.3.1979, as at Annexure A-1. The applicant was again reverted on 1.4.1982 against which he filed a case at District Court Agra, which was decided in his favour Thereafter, the respondents filed an Appeal which was transferred to CAT, Allahabad Bench, as T.A. No. 448/1980. The same was decided ex-parte and it was directed that Divisional Railway Manager was to decide the matter on his own level. The applicant subsequently sent legal notice dated 4.2.2005 to the respondents (Annexure A-2) and the reply to which was sent by DRM's office on 17.3.2005 (Ann. A-3), asking for service records of the applicant. Various representations sent by the applicant are collectively placed at Ann. A-4. The relief sought for by the applicant is a direction to the respondents to pay Provident Fund, gratuity, pension, and other retiral benefits to which he is entitled.

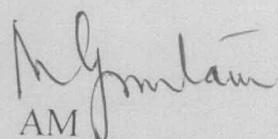
2. In the counter affidavit filed by the respondents it has been accepted that the applicant was initially appointed on the post of Porter but due to shortage of staff he was promoted as Ticket Collector only on ad hoc basis. He had subsequently not qualified in the written examination for Ticket Collectors post and was reverted to his substantive Class IV post.

3. The documents placed at Annexure 1, 2 & 3 of the counter reply shows that Shri Jaipal Singh was not found fit for the post of

Ticket Collector and was therefore, reverted to his substantive Class IV post.

4. After hearing the counsel for both parties and perusing the records I am of the view that, the applicant has failed to make out any case in his favour. There is no document to show that he was promoted on regular basis, on the basis of which he could claim retiral benefits. His claim is also highly time barred as he has superannuated in the year 1997 and there is no justification for claiming benefits by filing an O.A. in the year 2005.

5. O.A. is accordingly, dismissed. No order as to costs.


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