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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

(1) O.A. No. 120/89

Jagdeo

Applicant.

versus

Union of India & ors.

Respondents.

(2) O.A. No. 121/89

Bishwanath

Applicant

versus

Union of India & ors.

Respondents.

Hon. Mr. D.K. Agrawal, Judl. Member.

Hon. Mr. A.B. Gorathi, Adm. Member.

(Hon. Mr. D.K. Agrawal, J.M.)

Both the above petitions are identical. The subject matter and the relief prayed for are same. Therefore, they have been disposed of together.

2. The claimants in both the petitions have prayed that they are entitled to be called for screening test for absorption under the Railway Administration. Their allegation is that their juniors have been engaged. However, the details are wanting i.e. the names of juniors alleged to have been engaged have not been disclosed. The claimants have also alleged that they have worked from the year 1971 to 1985, but no proof thereof has been annexed with the claim petition. The claimants also allege that they made various representations but the copies of those representations have not been annexed with the Claim petition.

D.K. Agrawal

3. The respondents have denied the juniors to the claimants have been engaged; that the claimants have worked from 1971 to 1985; that the claimants have submitted representations. The respondents have clearly pleaded that the claimants only worked upto 14.11.72 and that there is no record that they have worked thereafter. They have also clearly denied that the representation of the claimants were received. They further pleaded that the petitions were barred by time.

4. We have heard the learned counsel for the parties and given due consideration to the pleadings on record. There is absolutely no proof on record that the claimants worked after 15.11.72 or their juniors were engaged or they submitted any representations to the authorities. Thus, in the absence of proof of number of days, the applicants have served in the Railways or the rights which accrued to them as a result thereof; their inaction in seeking redress after 15.11.72, the conclusion is inevitable that the petitions are barred by time. The cause of action, if any, arose to the claimants prior to 1.11.82. If so, the claim petitions are not entertainable. The petitions are also liable to be dismissed on merits.

5. In the result, the above claim petitions are dismissed without any order as to costs. Copy of the judgment shall be placed in the other file.

Jaswant
A.M.

Dk. C. S. S.
2.8.91
J.M.