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OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 1st day of September, 1997

Original Application No. 1349 of 1993

District : Jhansi

COURT :-

Hon'ble Mr. Justice B.C. Saksena, V.C.

Hon'ble Mr. S. Das Gupta, A.M.

Manik Chand Sharma S/o Maujilal Sharma,
R/o Vill & Post - Rora Bhalpura, Jhansi.

(By Sri D.P. Agarwal, Advocate)

. . . . Applicant

Versus

1. Union of India through
Ministry of Railway, New Delhi.
2. Divl. Railway Manager,
Central Railway, Jhansi.
3. Civil. Commercial Superintendent,
Central Railway, Jhansi.

(By Sri Prashant Mathur, Advocate)

. . . Respondents

ORDER (Overall)

By Hon'ble Mr. Justice B.C. Saksena, V.C.

Through this OA, the applicant seeks a direction to the respondents to reinstate the applicant from the date the respondents have stopped his posting. The applicant in Paragraph No.1 of the OA has stated that after 1988, the applicant was never posted at any place. Learned counsel for the applicant averred and submitted that since the petitioner has worked upto 1988, no order for his posting has been passed and the applicant has made further representation in 1993, the OA is not barred by limitation. This averment in Paragraph No.1 is obviously a typographical error. Instead 1983, it has been indicated ^{as} 1988. This would be clear from the ~~xxxxxx~~ subsequent averments in the paragraph where the applicant states

B.C.

that he had been served with a written order and he had made a representation on 16-7-1983 which has not been replied. Further, we find that the applicant has filed a copy of his service card as Annexure-A-1. That also indicates the last period of his work as from 16-9-1983 to 23-10-1983. The respondents in the counter affidavit have indicated that the applicant had sought an interview with the Assistant Personnel Officer on 8-8-1984 and at the interview, the applicant was advised of the position. It has been further indicated that the D.R.M. also explained the circumstances in which the name of the applicant had been deleted from the panel. The respondents have not denied that the applicant was screened in the year 1980 and his name was placed at Serial No. 2635-B in the general panel and at Serial No. 242 on the commercial panel, which was declared on 31-5-1982. The respondent's case further is that the said screening was originally subject to production of relevant educational certificates. They have stated that the certificate which was submitted by the applicant and copy of which is Annexure-CA-2, on enquiry from the concerned Headmaster of the School was found to be fake. Shri Kashi Prasad Sharma, the Principal of the Institution concerned has informed the respondents through his letter dt. 31-10-1984, copy of which is Annexure-CA-1, that according to the school register, the applicant's date of birth as recorded is 9-7-1943. In the certificate submitted by the applicant, the date of birth was shown as 1-2-1950. In view of the letter of the Headmaster, the veracity of the certificate submitted by the applicant was found to be incorrect. The applicant's name has been cancelled from the panel and the applicant was informed of the same

1/Recd

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during the interview in the year 1984.

2. In view of the above, the OA is clearly barred by limitation and is accordingly dismissed. Costs easy.


Member (A)


Vice Chairman

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