

Be 7/19/97

14

THIS THE 22ND DAY OF SEPTEMBER, 1994.

HON'BLE MR. JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.
HON'BLE MR. K. MUTHUKUMAR, MEMBER (ADMINISTRATIVE).

AMRIT LAL & OTHERS : : : : Applicants

BY ADVOCATE SHRI S.C. TRIPATHI

vs.

1. Union of India,
through the
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divisional Railway
Manager, Northern Railway,
Allahabad.

..... Respondents

ORDER (Oral).

JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.

We have heard the learned counsel for the applicants. The applicants, who are 45 in number, through this O.A., have claimed appointment under 'loyal quota'. It is alleged that an agreement had been reached between the All India S.C. & S.T. Railway Employees Association, Northern Railway, Allahabad Division, and the respondents in June, 1974. The agreement is alleged to have been approved by the then Railway Minister Late Hon'ble Lalit Narayan Mishra. Copy of the agreement has not been annexed to the O.A. though the applicants seek to invoke the provisions of the said agreement to support their claim for appointment. It is common knowledge

1
Per

that on the basis of ~~be~~ said agreement the Railway Board had issued instructions providing for appointment to dependents of loyal railway employees who did not participate in the All India Strike in the year 1974. The Railway Board's said letter was the subject matter of challenge in the Writ Petition and Hon.Mr.Justice K.N. Singh, a Judge of the Allahabad High Court then had quashed the said Railway Board's letter.

2. Further, significantly, the applicants on their own admission, ~~when~~ they were minor in the year 1974. They, ~~They~~ ^{They} couriously enough, ~~claimed~~ that as and when they attain majority, they are entitled to the benefits of the said agreement to be given appointment in Railway. The subject matter is of 1974. The applicants, ev en if they had any ~~vestige~~ of legal rights, has lost the same by their own latches. They have slept over the matter for more than 2 decades. The petition, for the reasons indicated above, is also barred by latches and hence dismissed summarily. The learned counsel for the applicant urges that the applicants have indicated the names of some son/daughter and dependents of loyal employees, who have been given employment on attaining majority under 'loyal quota'. He urges that the applicants have been discriminated by not providing employment under 'loyal quota', as per the agreement. ~~We~~, in the absence of any material on record, have no reason to believe that appointment has been given to those persons whose names have been indicated in the O.A., who has been found to be eligible under the terms of the agreement. The applicants were minor at the relevant time and, therefore, were not eligible.

3. The learned counsel for the applicant next ~~submitted~~ ^{BoL}

referred us to a
~~that on the basis of the~~ *Bel* decision given by a Division Bench
of the Tribunal in O.A.No.1328/93, Rakeshkumar Khana and Others Vs.
U.O.I. & Others (copy of which is annexed as Annexure-VI). The
D.B. had directed that the representation dated 31-12-92 submitted
by All India S.C. & S.T. Railway Employees Association, in a
representative capacity may be considered by the respondents
and may be disposed by a reasoned order. In the present case
there is no reference to such representation nor any such
relief has been prayed for. The direction given by the Division
Bench in its order in O.A.No.1333/93 would govern the
applicants in the said O.A. only. Admittedly the present
applicants were not parties in the said O.A. In paragraph 4 ^{the} of ~~order~~
of the said O.A. it has been ~~indicated~~ *Bel* that representation
of the All India S.C. & S.T. Railway Employees Association dated
31-12-92 to the Railway Minister in the representative capacity
be considered and disposed of by a reasoned and speaking order.
In the present case no such direction to consider the said
representation can be issued since the said representation was
clearly belated and highly time barred. This Tribunal will not
lend its support to ~~those~~ who have slept over their rights
by issue of direction to decide the representation, the period
of limitation ~~of which~~ to maintain the claim having lapsed ~~and~~
cannot be permitted ~~to relax~~ *to revive* *Bel* The O.A. lacks merits and accordingly
it is dismissed summarily.

By
MEMBER (ADMN.)

(nair)

Bel
VICE-CHAIRMAN.