

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1024 of 1994

S.K.Jain ..... Applicant.

Versus

Union of India & Ors. .... Respondents.

Hon'ble Mr. S.Das Gupta, Member-A

Hon'ble Mr. T.L.Verma, Member-J

(By Hon'ble Mr. S.Das Gupta, A.M.)

Heard Shri M.S.Pipersania, learned counsel  
for the applicant on admission.

2. The applicant in this case was a candidate for the posts of Assistant Station Master/Senior Clerk/Clerk, Grade-I for which the Railways had taken an examination in the year, 1989. The applicant passed in the Written Test as well as the Vivo-Voce and thereafter, was finally selected. A communication in this regard was given to him vide letter dated 24.2.1989 (Annexure A-3) in which it was stated that he had qualified as far as the Examination/Interview is concerned but the final appointment would be made by the Chief Personnel Officer, Central Railway, Bombay V.T. <sup>who</sup> would in due course, send offer of appointment provided, the applicant was otherwise suitable. Thereafter, it appears that the applicant was sent for Medical Examination and was found unfit for the post of Assistant Station Master vide letter dated 7.9.1989. The applicant states that even if

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he was unfit for Assistant Station Master, he should have been considered for the other 2 posts for which also he has given an option in the order of preference. He submitted representation in this regard to the Chairman, Railway Recruitment Board on 25.12.1990 (Annexure A-5) and when he did not receive any reply, had continued to represent by representations dated 18.6.92 (Annexure A-6), and 10.5.1993 (Annexure A-7) and 10.4.1994 (Annexure A-8).

3. We have carefully considered the submissions made in the application as well as the oral submission made by the learned counsel for the applicant. The cause of action in this arose on 7.9.1989 when the applicant was found unfit for the post of Assistant Station Master. Thereafter, the applicant submitted representation on 25.12.1990. The period of limitation would be counted from the date of the first representation i.e. 25.12.1990 and the remaining representations cannot be taken into account for the purpose of limitation. In this view of the matter, the application is time-barred. However, since, the applicant was admittedly selected by the respondents in an examination, we feel that it is just and proper on their part to decide a representation and give a reply to the applicant.


4. We, therefore direct the respondents to consider the representations submitted by the applicant and pass reasoned and speaking order thereon within a period of 3 months from the date of communication of this order.

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6. With this direction, the application  
is disposed of at admission stage.

  
Member-J

  
Member-A

Allahabad Dated: August 5, 1994

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