

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

Allahabad : Dated this 16th day of January 1997

Original Application No. 14 of 1995

District : Gorakhpur

CORAM:-

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

Hon'ble Mr. T.I. Verma, J.M.

Shri Gorakh Prasad, S/o Shantu

R/o Village Kurmail, Post-Sardar Nagar,

Maisha, District-Gorakhpur.

(By Sri G.D. Mukherji, Advocate)

..... Applicant

Versus

1. The Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. The Town Engineer, North Eastern Railway, Gorakhpur.

(By Sri

..... Respondents

Q R D E R (Oral)

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

This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to publish the panel as per the screening test held on 29-8-1988, 30-8-1988 and 12-9-1988 and to absorb the applicant on regular basis.

2. The case set up by the applicant in the OA is that he started working as a casual labourer under the unit of the Town Engineer, North Eastern Railway, Gorakhpur. Having completed 120 days continuous service, he was called for screening test to form a panel for filling

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up the Scheduled Caste quota of the posts of kHalasi. It is stated that the screening was held on 29-8-1988, 30-8-1988 and 12-9-1988. The applicant appeared before the screening committee but the panel was not published despite several representations. The further averment is that some of the similarly placed person had filed OA No.1226/1991 - Sampat and Ors Vs UOI & Ors and OA No.61/1992 - Tirath and Ors Vs UOI & Ors and both these applications were allowed by orders dated 1-3-1993 and 11-8-1992 respectively. The applicant claims that he represented for being granted the benefit of the aforesaid judgement but no action has been taken by the respondents so far. Hence, this OA.

3. When the case was first taken up for admission on 21-3-1995, it was noted that the applicant had neither joined as a party in the cases stated to have been decided in favour of the applicants, nor has agitated his grievance before any forum. The cause of action had arisen in August, 1988 when his name was not included in the panel to be prepared. The application, therefore, was prima facie highly time barred. An opportunity, however, was given to the learned counsel to make his submission as to how the application can be admitted despite being wholly time barred.

4. Despite several adjournments thereafter, no action was taken by the learned counsel for the applicant in this regard. Therefore, on 5-11-1996 a last opportunity was granted when the learned counsel for the applicant sought adjournment again. Thereafter again on 4-12-1996, learned counsel for the applicant was given an opportunity to move an amendment application. On the next date i.e. on 16-1-1997, the case was taken up again when the learned

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counsel for the applicant again sought adjournment and, therefore, the case was taken up for orders at the admission stage itself.

5. As already observed, the cause of action has arisen in this case in 1988. There is nothing to show that the applicant had agitated the matter before any legal forum. All he is stated to have done is to file representations. Repeated representations do not extend the period of limitation. Also the judgements of which he has sought benefit were rendered in 1992/1993. In the first place, copies of these judgements have not been annexed. We, therefore, are unable to find out what was the controversy in these cases and what were the decisions. Secondly, the judgement rendered in a case does not give a person, ^{he is not a party} ~~benefit of period~~ to the said case, for a fresh cause of action, if such person has been sleeping over his rights. We have also seen that the applicant had annexed a working certificate which indicates that he had worked only from 16-3-1979 to 30-9-1979 in broken periods. Thus, he was last engaged on 30-9-1979. His claim for re-engagement and regularisation, if any, has become fully stale.

6. In view of the foregoing, we are of the view that this application is wholly time barred and is accordingly dismissed at the admission stage itself.

J. K. M. M. A.

Member (J)

W. S.

Member (A)

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