

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.. 652 of 1995

Allahabad this the 12th day of November, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Jha, Member (A)

Nawal Kishore Prasad, Son of Late Sri Jagannath Prasad, resident of Murli Hill Road (Bageshwari Road), Gaya, Bihar.

Applicant

By Advocate Shri Vikash Bhdhwar

Versus

1. Union of India through Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. Divisional Railway Manager, Eastern Railway, Dhanbad Division, Dhanbad.
3. Senior Divisional Commercial Manager, Eastern Railway, Dhanbad Division, Dhanbad.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

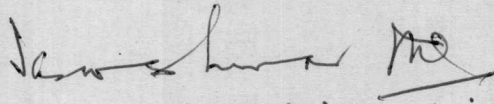
By this OA. filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant has prayed for a direction to the respondents to give effect to the order dated 08.04.1986 (annexure-1). By this order, the applicant amongst others was found suitable for the post of Commercial Clerk in the grade of

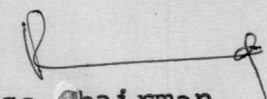
Rs.425-640 and he was to be appointed to officiate at the station mentioned against his name. The applicant was serving at Renukoot and under the order he was to join at Daltonganj. The grievance of the applicant is that he was not relieved from the Renukoot, hence he could not joined at Daltonganj. This O.A. was filed on 25.05.95 i.e. after more than 9 years. The applicant retired from service on 31.03.95. The limitation under Administrative Tribunals Act, 1985 is one year for filing an O.A. This O.A. has been filed for a cause of action which had arisen in 1986. Learned counsel for the applicant has submitted that the applicant had made representations, which were not decided. Under Section 21 if representation is not decided within six months, applicant ^{or was free to} ~~have~~ to approach this Tribunal. Thus, relaxation in the limitation is only for six months. In the present case, the applicant was sleeping over his rights for this long period, for which we do not find any explanation. Learned counsel for the applicant relied on two Judgments;

- (i) Tota Ram Sharma Vs. U.O.I. & Ors.
1990(3)A.I.S.L.J. page 181.
- (ii) M.R.Gupta Vs. U.O.I. & Ors.
A.I.R.1996(3.C.) page 669 "

However, both the cases are distinguishable ^{on} ~~with~~ the facts of the present case, therefore, cannot be applied in the present case. There was no question of wrong fixation of salary in the case

of the applicant as he did not join at the transferred place. If reliever had not come, he could have approached this Tribunal to compel the department to provide the reliever, so that order could be given effect. Thus, the Judgments relied on, could not help the applicant in any manner. The O.A. has no merit and is accordingly dismissed. No order as to costs.


Member (A)


Vice Chairman

/M.M./