

(5)

15-7-97

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

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

MA No. 1360/97 seeking restoration of the OA No. 1059/95 is allowed. The order dated 2-1-1996 is recalled and the OA is restored to its original number.

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2. Since the OA had been dismissed in default at the ~~admission~~ stage of admission itself, we required the learned counsel for the applicant to make submission for admission. The applicant on own saying was working as a Khalasi during the period 26.7.1960 to 26.2.1961. His case is that a selection test was held in the year, 1962 against some vacancies of Gangman. The panel was announced in the year 1965. According to the information later made available to the applicant, ~~is that~~ his name was placed at Serial No. 36 of the said panel. On the basis of these facts, the applicant seeks quashing of the verbal order removing him from service as non-existent and treat the applicant to be continuing in service as a Railway employee. He has also sought an order in the nature of Mandamus to the respondents to issue appointment letter ^{to} for the applicant after placing the applicant on the basis of panel list of 1965.

3. The first relief clearly pertains to the year 1961, whereafter the applicant was no longer in service. The second relief also relates to the year, 1965. This OA was filed in the year, 1965 after lapse of 34 and 32 years respectively for relief. Since the OA is ~~based~~ ^{based on} cause of action which relates to the ~~petitioner~~ ^{period} even ~~before~~ ^{three} years ~~after~~ ^{before} the constitution of the Tribunal. ^{admit} It is not possible to ~~allow~~ ^{allow} this case ^{as} there is no sufficient explanation. The OA is accordingly dismissed on account of abnormal delay.

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Member (A)

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Vice Chairman

Dube/

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Even if the delay is condoned for which after there is no