

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 05th day of May, 2003.

Original Application No. 602 of 1999.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Balroop S/o Late Bandhan (Bind), R/o Bilaridih,  
P.O- Mughalsarai, Distt. Varanasi.

.....Applicant

Counsel for the applicant :- Sri S.K. Dey  
Sri S.K. Mishra

V E R S U S

1. Union of India through the General Manager,  
E. Rly., Calcutta-1.
2. Divisional Railway Manager, E. Rly.,  
Mughalsarai, Varanasi.
3. Senior Medical Superintendent, E. Rly.,  
Mughalsarai, Varanasi.
4. Moti, S/o Sukhan R/o Taranpur, PO- Mughalsarai,  
Varanasi, impersonating as Balroop S/o Bandhan  
through the Sr. M.S/MGS.

.....Respondents

Counsel for the respondents :- Sri G.P. Agrawal

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

By this O.A filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to respondents to absorb applicant in group 'D' service on basis of his past casual labour service in place of respondent No.4 who by impersonation got him-self absorbed in place of the applicant.

2. The claim of the applicant is based on his services rendered from 03.06.1978 to 31.08.1978 and 23.09.1978 to 22.10.1978 as Casual Tailor. It is admitted position that



after 22.10.1978 applicant had not worked in any capacity. This O.A has been filed on 26.05.1999 i.e after 20 years. This Tribunal on 09.07.1999 clearly observe that the claim of the applicant appears to be barred by time and the applicant's counsel was expected to satisfy on this question. However, no application, seeking condonation of delay in filing O.A, has been filed. Learned counsel for the applicant only submitted that cause of action arose to applicant when he learnt about absorption of respondent No. 4 using the name of applicant and as the respondent No. 4 has been removed from service, applicant is entitled to be appointed in his place.

3. Sri G.P. Agrawal, learned counsel appearing for the respondents on the other hand submitted that the respondent No. 4 got him-self appointed in 1990 and he was removed in 1994 when the fraud played by him was detected. It is submitted that the applicant cannot get any benefit of this action of respondent No. 4 as his regularisation in his favour was done in the year 1990 i.e. after/12 years and more than by that time the limitation had already expired.

4. I have carefully considered the submission of counsel for parties. In my opinion, the submission made by the counsel for the respondents has substance. It is true that the respondent No. 4 got appointment by playing fraud using the name of applicant for getting the order in his favour in the year 1990. The cause of action for the applicant arose on 22.10.1978 when he was not allowed to work on the post. He has approached the Tribunal after more than 20 years. Even for the sake of arguments the cause of action is taken from the year 1994, the period of limitation is one year, the O.A should have been filed in the year 1995. Even the limitation is counted

::3::

from 1994, the O.A is highly time barred.

5. In the facts and circumstances, the applicant is not entitled for any relief. The O.A is dismissed as time barred.

6. There will be no order as to costs.

  
Vice-Chairman.

/Anand/