

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

DATED: THIS THE 26th DAY OF March 1999.

Coram:- Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. S.K. Agarwal, J.M.

ORIGINAL APPLICATION NO.8 of 1999.

Raghava Prasad Mishra
Retired Loco Inspector
S/O Late K.N. Mishra,
R/O Mohalla Shiv Nagar
Colony, P.O. Basarathpur
City and Distt. Gorakhpur.

Counsel for the Applicant:- Sri S.K. Mishra Adv.

... Applicant.

Versus

1. Union of India through Chairman
Railway Board, Rail Bhawan,
New Delhi.

2. Chief Personnel Officer North Eastern
Railway Gorakhpur.

3. General Manager North Eastern Railway,
Gorakhpur.

Counsel for the Respondents:- Sri K.P. Singh, Adv.

... Respondents.

Order

By Hon'ble Mr. S. Dayal, Member (A.)

 The applicant, retired Loco Inspector has

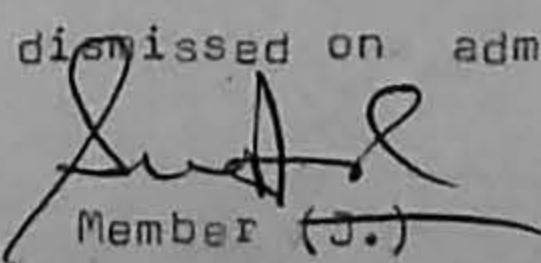
filed this application under section 19 of the Administrative Tribunals Act 1985 seeking a direction to the respondents to employ his son under quota for loyal workers as notified by Rail Administration on 18.5.74 on the basis of his eligibility on a group 'C' post.

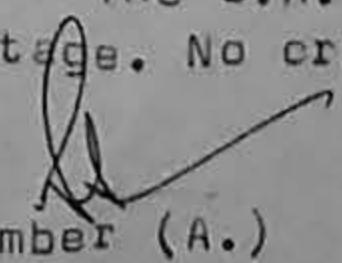
2. The applicant has sought the relief for his son who is educated but unemployed. The applicant claims that he has been making efforts for employment for his son since 1988 but the Railway Administration turned a deaf ear. His son is now 31 years of age. He has claimed that the benefit of scheme has been extended till 1995. He has given the name of dependent of one Sri Satya Narain Shah. The relief has been sought on the ground that the applicant is entitled to the benefit as he was a loyal worker and if he is not allowed the benefit, it would amount to violation of Article 14 and 16 of the Constitution. The benefit can only be refused to him for just reason or cause.

3. The arguments of Sri K.P. Singh, learned counsel for the respondents were heard as the learned counsel for the applicant did not wait for the case to be taken up although he was present earlier on the same day. We have considered the submissions made by Sri K.P. Singh, learned counsel for the respondents. He mentioned that several pronouncements of this Tribunal in the recent years have been made to the effect that benefit under loyal worker's quota can no longer be extended to Railway Servants after a lapse of 25 years. He has also

mentioned that this D.A. has been filed in 1999 and is barred by limitation. We have considered the application of the applicant as well as submissions made by Sri K.P. Singh on behalf of the respondents. Similar matter had come up before this Tribunal in D.A. Nos. 236, 310 and 313 of 1996. In those cases the applicants contended that they were minors and became major only in 1991 to 1993. The Division Bench examined whether the applicants had any legal right to obtain employment. The Bench in common judgment on 23.5.96 in these cases/xxx come to the conclusion that there was no such legal right. A catena of judgments was considered in this connection and the view taken was that grant of preference in favour of sons and near relatives of persons serving in the Government was unconstitutional and violative of Article 14 and 16(2), therefore the D.As. were held as non maintainable and were dismissed.

4. In the present case before us, also the applicant claims to have become eligible for a Government job on the basis of minimum age required for such a job in or around 1988 which was 14 years after the issuance of Circular dated 18.5.74. The applicant was a minor at the time the circular was issued in 1974 hence this case is in parimateria with the cases already decided by the Division Bench mentioned earlier. The D.A. is therefore dismissed as barred by limitation as well as non maintainable. The D.A. is therefore dismissed on admission stage. No order as to costs.


Member (J.)


Member (A.)