

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

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ORIGINAL APPLICATION NO. 1338 of 2000.
this the 30th day of March 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MR. RAEEQ UDDIN, MEMBER (J)

Sunil Kumar Singh, aged about 33 years, S/o late Sri Mithai Lal, resident of 119/96, Colonelganj, Allahabad.

Applicant.

By Advocate : Sri B.P. Srivastava.

Versus.

Union of India through the Secretary, Ministry of Railway, New Delhi.

2. The Railway Board, through its Secretary, New Delhi.

3. The Divisional Railway Manager, Northern Railway, Lucknow.

Respondents.

By Advocate : Sri P. Mathur.

O R D E R (ORAL)

S. DAYAL, MEMBER (A)

This application has been filed for a direction to the Railway Board, New Delhi to consider the applicant for appointment on any one of the suitable post according to his qualification.

2. The claim of the applicant is that his father late Sri Mithai Lal was posted as Traffic Inspector at Prayag Railway station, Allahabad. In May '74, when the employees of railways went on strike, his father did not take part in

the strike. The railways issued a notification for giving the benefit to the children of loyal railway servants. The notification, it is claimed, entitles the applicant to be absorbed in railway service. It is stated that the father of the applicant had died on 31.10.80, while in service.

3. We have heard Sri B.P. Srivastava, counsel for the applicant and Sri P. Mathur, counsel for the respondents.

4. We find that although the applicant has claimed that he has filed a notification as Annexure A-1, but Annexure A-1 is not a notification. Annexure A-1 is a pamphlet printed by the association of SC/ST railway employees in which it has been mentioned that the employees, who worked during the strike can claim preference for employment of their children.

5. The learned counsel for the applicant has relied-upon the order passed in O.A. no. 1383 of 1993 in which a direction has been given to the respondents to consider and dispose of the representation dated 31.12.1992 submitted by the All India SC/ST Railway employees Association in a representative capacity, within a period of six months from the date of communication of the order.

6. The learned counsel for the respondents has, on the other hand, relied-upon the order of this Tribunal in O.A. nos. 236 of 1996, 310 of 1996 & 313 of 1996. In these set of applications also, the applicants had sought appointment on suitable posts against loyal quota. The claim of the applicants therein was well

discussed and it was found that such appointment was belated under Article 16 (2) of the Constitution of India and the ground of discrimination could not be made on that basis. In this connection, the judgment of the Apex Court in the case of Gazula Dasaratha Rama Rao vs. State of Andhra Pradesh (AIR 1961 SC 564) was cited. Rule 12.14(3) of the Punjab Police Rules, 1934 granting preference in favour of sons and near relatives of persons serving in the Police service, was found unconstitutional in the case of Yogendra Pal Singh & others vs. Union of India and others (AIR 1987 SC 1015). The case was also found to have been grossly barred by limitation (Bhoop Singh Vs Union of India & others AIR 1992 SC 1414).

7. We find that the claim made by the applicant after a gap of 26 years in this application is not permissible as it is grossly barred by limitation. The O.A. even otherwise is devoid of merit and is dismissed. No costs.

Dattu Reddy
MEMBER (J)

Shah
MEMBER (A)

Girish/