

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Diary No. 4329 of 2002.

in

Original Application No. 1611 of 02

this the 11th day of September 2003.

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

Krishna Deo Chaubey, S/o Ram Kumar Chaubey, R/o Village
& post Zabahideeyar, District Ballia.

Applicant.

By Advocate : Sri A.K. Upadhyaya.

Versus.

1. Union of India through the Secretary, Railway Board,
Rail Building, New Delhi.
2. Maha prabandhak (Karmik), Diesel Railway, Karkhana
Varanasi.

Respondents.

By Advocate : Sri K.P. Singh.

ORDER

BY MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

In this O.A. filed under Section 19 of the A.T. Act, 1985, the applicant has challenged the order dated 2.2.2000 (page 14) and has prayed that the directions should be issued to the respondent no.2 to appoint the applicant on the post of Khalasi Class IV category under handicapped quota in Diesel Locomotive Works (in short DLW), Varanasi.

2. The facts, in brief, giving rise to the controversy are that on 3.4.1986 selection was conducted for recruitment of Class IV employees of handicapped persons including Khalasies. The result of the selected candidates was published on 16.5.1986 and the applicant was placed in that panel. By the impugned order dated 2.2.2000, the respondent no.2 had rejected his representations dated 9.11.99 and 21.1.2000. As per the applicant, he

R

represented ^{to} Chief Vigilance Officer (in short CVO) regarding irregularities committed in the selection and CVO directed the applicant vide letter dated 2.3.2001 to intimate regarding complaint of irregularities. The Under Secretary, Department of Administrative Reforms & Public Grievances, Govt. of India, vide letter dated 28.3.2001 informed the applicant that his complaint had been sent to the Director (Public Complaints), Railway Board, New Delhi, for necessary action. Even the District Magistrate vide letter dated 11.9.2001 directed District Handicapped Welfare Officer, Ballia, to look into the matter for necessary action. Further Under Secretary, Department of Administrative Reforms and Public Grievances, Govt. of India vide letter dated 11/16.1.2002 forwarded the representation of the applicant to Executive Director, Ministry of Railways, New Delhi, for redressal ^{of} the grievance of the applicant. The applicant filed his last representation before the respondents on 25.2.2002, which remains un-disposed of till the date of filing of the O.A., Hence this O.A.

3. The learned counsel for the applicant submitted that the action of the respondents is absolutely illegal, arbitrary and malafide and not sustainable in the eyes of law. The respondents have failed to clarify as to why he could not be appointed alongwith other candidates, when his name was already there in the panel.

4. It has also been alleged by the applicant that he has been agitating the matter before the various authorities by filing representations, but his grievance has not been redressed. The learned counsel also submitted that though the respondents maintained ^{that} that the life of the panel is one year yet they appointed S/Sri Ram Naresh Sonkar on 3.6.89, Ram Bali Yadav on 16.4.91, Rajendra Prasad Sharma on 1.2.95, Abhimanyu Prasad Ram on 4.7.93, Mata Raj Shukla on 3.4.91 and Modi Lal on

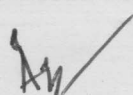
2.3.1989 on different posts. The claim of the applicant has not been considered by the respondents at any stage, therefore, the applicant is entitled for relief.

5. The respondents' counsel opposing the claim of the applicant, raised a preliminary objection of limitation and submitted that the applicant has claimed relief on the basis of the panel of the year 1986, ^{Mr} the O.A. deserves to be dismissed at admission stage itself on the ground of limitation as provided under section 21 of the A.T. Act, 1985. The learned counsel for the respondents further submitted that filing of representation would not extend the period of limitation. Finally, learned counsel for the respondents submitted that the impugned order dated 2.2.2000 is a detailed order, which does not call for any interference.

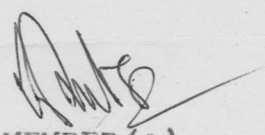
6. We have heard the counsel for the parties, considered their submissions and perused the record.

7. Admittedly, the applicant is claiming appointment on the basis of panel dated 16.5.1986. The applicant has pleaded that he has been filing representations before the different authorities at different times. As per Section 21 of the A.T. Act, 1985, the period of limitation has been prescribed for seeking grievance through the Tribunal. The present O.A. has been filed on 23.10.2002 after lapse of more than 16 years and, therefore, the O.A. is grossly time barred. ^{Mr} ^{If} the contention of the applicant's counsel that one Sri R.P. Sharma was appointed on 1.2.1995 is accepted, even then ^h the cause of action arose on 1.2.1995; whereas the present O.A. has been filed in the year 2002. Thus, ^{from} ~~on~~ this angle also, the present O.A. is highly time barred.

8. In the facts and circumstances and our aforesaid discussions, the O.A. is grossly time barred and is dismissed at admission stage itself. NO costs.


MEMBER (J)

GIRISH/-


MEMBER (A)