

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 30th day of January 2003.

Original Application no. 303 of 2002.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman  
Hon'ble Maj Gen K.K. Srivastava, Administrative Member.

Nathu Ram Raikwar, S/o Sri M.C. Raikwar,  
R/o at present posted as Sr. Trains Clerk,  
O/o Chief Yard Master, Agra Cantt.

... Applicant

By Adv : Sri U.K. Saxena & Sri K.K. Mishra

V E R S U S

1. Union of India through General Manager,  
Central Railway,  
BOMBAY.
2. Divisional Railway Manager (P),  
Central Railway,  
JHANSI.
3. Senior Divisional Operating Manager,  
Central Railway,  
JHANSI.

... Respondents

By Adv : Sri K.P. Singh

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, VC.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has prayed for a direction to the respondents to consider <sup>option</sup> exercised by applicant, for the Cadre of Goods Guards.

2. It is stated that the applicant joined as Trains Clerk on 7.3.1981. In 1984 it was notified that the employees serving as Trains Clerk, Shunting Jamadar, Shunting Master and Assistant Guard, may give options for promotion as Goods Guard, if they do not wish for promotion in their normal




channel in their cadre. The applicant in paragraph 4.3 has stated that he submitted his option in prescribed form and opted for promotion as Goods Guard . However, no date has been mentioned.

3. Counter affidavit has been filed. Inspite of time granted, no Rejoinder affidavit has been filed. In paragraph 8 and 17 of the counter affidavit it has been stated that the OA is highly time barred. The alleged option was exercised somewhere in 1984 and this OA has been filed on 14.3.2002. It is submitted by Sri K.P. Singh that if option was actually filed and action was not taken on the same, the applicant could have approached within a year as provided under section 21 of the Act. Contrary to it the applicant was promoted in his cadre from time to time. Last promotion was granted to him on 10.1.1996 as Head Trains Clerk and the question of <sup>any action on the</sup> alleged option exercised <sup>by applicant does not arise,</sup> ~~is totally irrelevant.~~

4. From the facts stated above, it is clear that the OA is highly time barred and the applicant is not entitled for any relief. The OA is dismissed accordingly with no order as to costs.

  
Member (A)

  
Vice-Chairman

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