

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 17th day of March, 2004.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

HON. MR. S. C. CHAUBE, A.M.

O.A. No. 1025 of 2002

Syed Nayeem Akhtar S/O Sri S.A. Ahamad R/O SL-48, Bari
Gaibi, V.D.A. Colony, Varanasi.....Applicant.
Counsel for applicant : Sri Ravi Sinha.

Versus

1. Union of India through General Manager, Northern Railway,
Rail Bhawan, New Delhi.
2. Divisional Railway Manager, Northern Railway, Allahabad.
.....Respondents.

Counsel for respondents : Sri A. Sthalekar.

O R D E R (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

By this O.A. applicant has sought a direction to the respondents to give appointment and send him for training for the post of Traffic Apprentice and to issue any such order or direction which may deem fit and proper under the circumstances of the case.


2. It is submitted by the applicant that an advertisement was published in Rozgar Samachar for the post of Traffic Apprentice. The applicant applied for the said post and after he qualified in the written test and the interview also, applicant was declared as successful in the result declared on 21.12.90 wherein he was shown at Sl.No.4. It is submitted by the applicant that he was issued appointment letter with the direction to join at Allahabad but Respondent No,2 did not permit him to join. Being aggrieved he gave several representations from 1991 to 9.1.2002 but since nothing was done and persons below him in the merit list were appointed without permitting the applicant to go for training, he filed a writ petition No.



7490 of 2002 in the Hon'ble High Court of Allahabad which was disposed of on 22.2.2002 with direction to decide the matter within two months (Annexure-2). Pursuant to the direction given by Hon'ble High Court, the respondents issued an order on 26.4.02 stating therein that applicant was asked to report in the office on or upto 19.10.1993 for completing all the formalities before sending him for pre-requisite training which was mandatory for regular appointment commencing from 1.11.1993 but instead ^{of} attending the office, he submitted an application dated 18.10.93 requesting therein to exempt him from joining the training scheduled to commence from 1.11.93 and even though no such permission was granted by the administration, ^{he didn't join the training} He gave an application on 31.1.95 requesting the authorities to arrange for a training but by that time life of panel had already expired and no favourable order could be passed by the competent authority. As such, he could not be allowed by the Division to be sent for training at that relevant time. It was further stated therein that at this stage it is neither possible to nominate him for training ~~in order~~ to give him appointment in absence of extension for approval by the competent authority. Accordingly his case was rejected.

3. Applicant again filed a writ petition No.32300/02 in the Hon'ble High Court of Allahabad but the same was dismissed with the observation that relief can be claimed by the applicant before Central Administrative Tribunal. Accordingly he filed this O.A. in the Tribunal.

4. It is submitted by the applicant's counsel that another person namely Sri Afroz Ahmad Khan, who was at Sl. No.19 in the selection list was sent for training in the year 1997 while he was posted at Moradabad Division, therefore, it is wrong to suggest that life of panel had already expired. Therefore, he also may be sent for training even



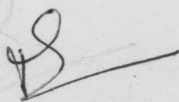
now and given the appointment as Traffic Apprentice.

5. The respondents have opposed this O.A. by submitting that he lost his chance of training in the year 1993, therefore, the present petition is barred by limitation and the law is well settled that repeated representations do not extend the period of limitation. Therefore, this O.A. may be dismissed on this preliminary ground itself. On merits they have submitted that in the address given in his representation dated 9.1.2002 it appears that applicant is attached to Jawahar Navodaya Vidyalaya, Katghar, Madiyahu, Jaunpur and is in employment. The panel of Traffic Apprentice which contain^{ed} the name of applicant was received from G.M.(P), New Delhi on 18.3.1992. Applicant along with other successful candidates was allowed to attend the DRM, Allahaba for other formalities before they could be sent for training to Zonal Training School, Chandausi. However, applicant sent application dated 18.10.93 requesting therein for exemption for joining the present training commencing from 1.11.93 at Z.T.S., Chandauli on the ground of his personal domestic problems. The request was not acceded to. Thereafter he gave further representations and even though his case was referred to the competent authority but no approval was received from the Hqrs. In the mean time panel had already expired so the question of sending the applicant for training at this belated stage does not arise.

6. W-e have heard both the counsel and perused the pleadings as well. Perusal of Annexure CA-1 shows that the applicant had given an application on 18.10.93 seeking exemption from training course due to some personal domestic problems. If respondents had not acceded to his request and he did have some genuine problems, either he should have pursued the matter with the higher authorities at that relevant juncture or approached the Tribunal for seeking appropriate direction in this regard but no such effort was

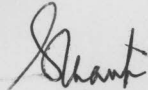



made by the applicant at that relevant point of time. Even now in the present petition, applicant has not given any details as to what his domestic problems were and why he could not attend the training at the relevant time when he was supposed to attend the same. Respondents have stated categorically that it was a pre-requisite for appointment as Traffic Apprentice. Therefore, if his request for attending the subsequent course was not acceded to, he ought to have taken steps immediate^{ly} thereafter or atleast got one post reserved for him by satisfying the court that some serious problem did exist at his house which could justify the exemption. Admittedly no such approval was given by the respondents and if approval for exemption was not granted at that time, it cannot be taken by the applicant that his request was not acceded to. In fact, when he had given the next representation dated 1.9.94, D.P.O. had put a query 'what is the problem' which shows that authorities did apply their mind to the application given by the applicant but since applicant had not tried to satisfy the authorities by explaining his personal problems, his request could not be acceded to. It goes without saying that if the panel was of 1992 or 1993, ^{and} the applicant had not either joined the training or given any justification to the authorities concerned for the same purpose, naturally they could not have kept the post vacant. The next person in the panel must have been given the appointment. After all there is a life given to the panel and it cannot be in operation for all times to come. First writ petition was filed by the applicant only in the year 2002 that means almost after seven years. Therefore, we are satisfied with the reply given by the respondents, that at this belated stage, applicant cannot be sent for training nor be given appointment as Traffic Apprentice. The applicant only has to blame his own conduct and not the authorities for his



non-appointment due to the slackness shown by him in pursuing the case.

7. In view of the above discussion we find no merit in the case. The same is accordingly dismissed with no order as to costs.


A.M.


J.M.

Asthana/