

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1133 OF 2002
FRIDAY, THIS THE 4TH DAY OF OCTOBER, 2002

HON'BLE MAJ. GEN. K. K. SRIVASTAVA, MEMBER-A

Dulare S/o Late Shri Kallu,
R/o S-17/314, Nadesar Rajabazar,
Varanasi. Applicant

(By Advocate Shri Atul Kumar)

Versus

1. Union of India through its
Divisional Railway Manager,
NR, Lucknow.
2. Station Superintendent,
NR, Varanasi.
3. Senior Health Inspector,
NR, Varanasi. Respondents

(By Advocate Shri A.K. Gaur)

O R D E R

HON'BLE MAJ. GEN. K.K. SRIVASTAVA, MEMBER-A

In this O.A. filed under section 19 of A.T. Act, 1985, the applicant has prayed that the direction be issued to the respondents to consider the facts placed before them in the form of appeal for the medical examination of the applicant as C-2. (Category)

2. The facts, in brief, are that the applicant was working as a casual labour under the Senior Health Inspector, Varanasi as a Safaiwala since 25.10.1980. He was medically examined and as per applicant's own letter filed as Annexure-1 which was issued on 13.12.1993, the applicant was declared medically unfit and, therefore, he was dis-engaged.

3. The applicant's counsel submitted that the applicant has been representing before the authorities for the last twelve years. He has also filed an appeal but so far respondents have not decided the same. The applicant has filed a representation on



16.11.1996 before D.R.M. Northern Railway, Lucknow followed by reminders but so far his case has not been decided. The respondent's counsel submitted that the O.A. is grossly time barred as the cause of action arose in 1993 and the O.A. has been filed on 20.09.2002.

4. Heard the counsel for the parties considered their submissions and carefully perused the records.

5. The letter dated 13.12.1993 which has been filed as Annexure-1 and duly signed by the applicant leaves no doubt that the applicant had been declared medically unfit, and was dis-engaged. The cause of action arose on the same day. There is nothing on record that the applicant has filed any representation before 16.01.1996. The applicant also sent a representation to the President of India on 19.06.1996, the acknowledgement of which by the President of India Secretariat, is available on page 11 (annexure-3). Therefore, if the date 16.01.1996 is accepted as the date for cause of action and ^{by his/her} calculation of period of limitation, the applicant should have approached the Tribunal by June, 1997 which he did not. He filed this O.A on 20.09.2002. The legal position is well settled that subsequent representations do not extend the period of limitation. In view of the above, the O.A. is grossly time-barred and accordingly dismissed.

6. There shall be no order as to costs.


Member-A

/ Neelam/