

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 29th day of AUGUST 2003

Original Application no. 860 of 2003.

Hon'ble Maj Gen KK Srivastava, Member (A).

Vijai Singh, S/o C. Singh,  
R/o Badaur Gnan, Post Basuhaar,  
P.S. Sarai Aquil, Kaushambhi.

..... Applicant.

By Adv : Sri P.K. Kashyap

Versus

1. Union of India through General Manager,  
NC Railway, Rail Bhawan, Allahabad.
2. Divisional Railway Manager, NC Railway,  
DRM Office, Allahabad.
3. Station Supdt. Sirathu, NC Railway, Sirathu.  
Distt. Kaushambhi.

..... Respondents

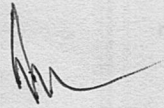
By Adv : Sri A.K. Gaur

O R D E R

Maj Gen K.K. Srivastava, AM.

By this OA, filed under Section 19 of the A.T. Act, 1985, the applicant has prayed for direction to the respondents for his appointment in Group 'D' post as Safaiwala in view of the call letter dated 12.2.1999, the date when his juniors have been given appointment ignoring the claim of the applicant. The applicant has also prayed for a direction to the respondents to decide the representation of the applicant dated 3.1.2003 by a reasoned and speaking order.

.....2/-





2.


2. The facts of the case, in short, are that the applicant worked with the respondents as Safaiwala during the year 1986. It has also been stated in para 4.2 of the OA that the applicant continuously worked and has put in near about 169 days as Safaiwala. The name of the applicant is listed in the Live Casual Labour Register (in short LCLR) at sl. no. 761. The applicant vide letter dated 12.2.1999 was informed to appear before the respondents for appointment of **Safaiwala**. The applicant appeared and, as per applicant, he was told that he would be informed regarding joining of post. The applicant is aggrieved that he has come to know that his juniors have been appointed and his claim has been ignored. The applicant has alleged that the respondents have adopted pick and choose policy. Aggrieved by the action of the respondents, the applicant has filed this OA.

3. Aggrieved by the action of the respondents

3. Shri P.K. Kashyap, learned counsel for the applicant submitted that the applicant's name appears in LCLR and the action of the respondents is illegal in appointing the juniors of the applicant as **Safaiwala**, ignoring the claim of the applicant. The learned counsel for the applicant further submitted that the applicant has raised his grievance before the respondents through representation dated 3.1.2003 and in the interest of justice the respondents should be decided the same as per rules.

4. **Sri A.K. Gaur**, learned counsel for the respondents opposing the claim of the applicant submitted that the case of the applicant is highly time barred. The selections were made in 1999 and the applicant has now woken up for his rights.

....3/-



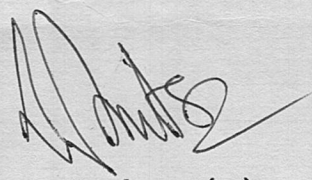


3.

5. Heard learned counsel for the parties, considered their submissions and perused records.

6. The prayer of the applicant is that his case should be decided for appointment as Safai-wala in view of the call letter dated 12.2.1999. In the pleadings the applicant has mentioned that his juniors were appointed and his claim was ignored. He has also stated in the OA that the applicant came to know of the appointment of his juniors, when he came to Allahabad on 2.1.2003 from his Village Sirathu, which is about 40Kms from Allahabad. The applicant's counsel also submitted that the applicant was all the time pursuing the matter with the respondents, but he was never given any satisfactory reply. Ultimately, when he found that his juniors were working, he had no option but to file this OA. I am not inclined to accept this plea of the applicant. The very fact that the selections were held and appointments were made in early 1999, it cannot be accepted that the applicant was ignorant of the fact. Besides, there is nothing on record to prove that he ever made any representation before the respondents before 3.1.2003. The OA is liable to be dismissed on the ground of limitation under Section 21 of the A.T. Act, 1985.

7. In view of the above, the OA is dismissed as grossly time barred with no order as to costs.



Member (A)

/pc/