

(8)

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

Original Application No.519 of 2006

Allahabad, this the 12th day of September, 2008.

Hon'ble Mr. A.K. Gaur, J.M.
Hon'ble Mrs. Manjulika Gautam, A.M.

Mukundi, S/o Sri Dharam Das 05879309, Head
Cleaner Trolley Shop Main Workshop, Jhansi.

...Applicant.

By Advocate : Sri A.K. Ojha (Absent).

Versus

1. Union of India through G.M., Central Railway, CST, Mumbai.
2. Chief Workshop Manager, Jhansi Central Railway, Jhansi.
3. D.R.M., Central Railway, Jhansi.

...Respondents.

By Advocate : Sri A.C. Mishra.

O R D E R

By A.K. Gaur, Member-J

List revised, no-one appears on behalf of the applicant. We have heard Sri A.C. Mishra, learned counsel for the respondents. In view of Rule 15(1) of CAT (Procedure) Rules, 1987 we proceed to decide the matter finally.

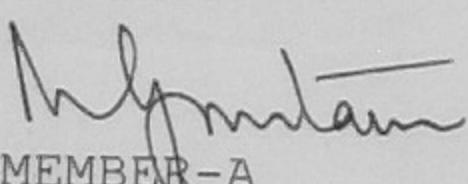
2. It is seen from the records that the applicant was initially appointed as casual Labour. He was called for screening test in which he was not found suitable. Being aggrieved, the applicant filed O.A. bearing no. 917 of 1988, which was disposed of vide order dated 20.5.1993 (Annexure-1). Against the said order, the respondents filed Review Application bearing no. 98 of 1993, which was disposed of vide order dated 1.11.1995 (Annexure-2). It is averred that when the respondents had not given the appointment to the applicant, he again filed O.A. no. 1282 of 1998, which was disposed of vide order

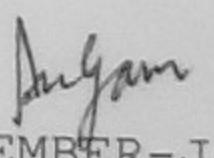
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dated 6.6.2001 (Annexure-3). Pursuant to the aforesaid orders of this Tribunal, the applicant was appointed on 22.11.2001 and his services were regularized vide order dated 26.8.2002. The sole grievance of the applicant is that he should be given the benefit w.e.f. the date when his colleagues were given appointment.

3. Denying the claim of the applicant, the respondents have filed detailed Counter Affidavit wherein they have stated that the applicant had been appointed as substitute Khalasi in Group 'D' on 22.11.2001 in pursuance of the order dated 6.6.2001 passed by this Tribunal in O.A. no. 1282 of 1998. The services of the applicant had also been regularized as temporary Khalasi w.e.f. 26.8.2002.

4. Sri A.C. Mishra, learned counsel for the respondents vehemently argued that after accepting the appointment w.e.f. 22.11.2001, there is no justification for the applicant to raise his grievance regarding seniority after a lapse of five years for which no reasonable and plausible explanation has been offered for condoning the delay. No reasons have been indicated as to why the applicant has approached this Tribunal after a long period of five years. We do not find any reasonable or plausible explanation for condoning the delay. In view of decision reported in 2000 SCC (L&S) 53 in re. Ramesh Chand Sharma Vs. Udhamp Singh Kamal, the O.A. is liable to be dismissed and is dismissed accordingly. No costs.


GIRISH/-
MEMBER-A


JAYARAM
MEMBER-J