

(12)

Open Court
**Central Administrative Tribunal Allahabad Bench
Allahabad.**

Allahabad This The 20th Day Of November, 2008.

ORIGINAL APPLICATION NO. 71 OF 2007

Present:

Hon'ble Mr. Justice A.K. Yog, Member (J)

Hon'ble Mrs. Manjulika Gautam, Member (A)

Udai Bhan Prasad son of Shri Ram, Residence of Rly.
Qr. NO.-51/D, Dairy Colony, Gorakhpur.

By Advocate: Shri R.A. Prasad/Shri A.K. Gupta.Applicant

Versus

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. General Manager (Personnel), N.E. Railway, Gorakhpur.
3. Controller of Store, N.E. Railway, Gorakhpur.
4. Rajendra Prasad Arya, A.M.M., Controller of Store Office, N.E. Rly, Gorakhpur.
5. Om Prakash, Chief Office Superintendent, Controller of Store Office, N.E. Rly., Gorakhpur.
6. Satya Vijay Singh, O.S. I, Controller of Store Office, N.E. Rly., Gorakhpur.
7. Markanday Prasad Mishra, O.S. I, Controller of Store Office, N.E. Rly., Gorakhpur.
8. Nasiruddin, O.S. 1, Controller of Store Office, N.E. Rly., Gorakhpur.
9. K.P. Singh, O.S. 1, Controller of Store Office, N.E. Rly., Gorakhpur.

.....Respondents

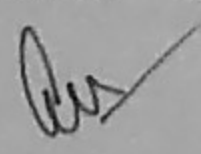
By Advocate: Shri P. Mathur.

ORDER

Delivered by Justice A.K. Yog, Member (J)

Heard Shri A.K. Gupta, Advocate appearing on behalf of the applicant and Shri P Mathur, appearing on behalf of the respondents.

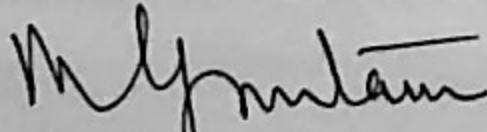
2. Learned counsel for the applicant submits on preliminary objection regarding O.A. being time barred. The correspondence filed alongwith O.A.,



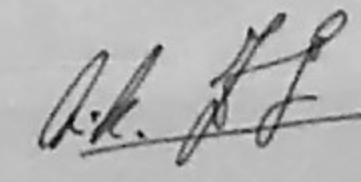
which consist of letter dated 23.5.2006 sent from the department to the applicant/Udai Bhan Prasad/Annexure A-2 and subsequent letter dated 4/5.4.2006 sent from the department to the Store Controller, North Eastern Railway, Gorakhpur (Annexure A-1 to the O.A.) show that applicant is aggrieved by selection held in 1994 wherein he had failed. According to the allegations contained in the O.A., applicant had submitted representations dated 17.10.2005 and 30.11.2005. There is no explanation as to what was done by the applicant during 1994-2005. Filing of representation at ledger and at his sweat will after lapse of several years will not provide/grant for extending the period of limitation. Applicant has not acted diligently and he has sleeping over for several year. Selection in question took place in 1994 and cause of action arisen. O.A. was filed on 2005. Representations as apparently not extend the period of limitation by seeking explanation of period from 1994-2005.

3. In view of the above, O.A. is highly time barred and it is accordingly dismissed.

4. No order as to costs.


Member (A)

Manish/-


Member (J)