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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.597 OF 1999/2007
ALLAHABAD THIS THE 7TH DAY OF JUNE, 2007

HON'BLE MR. JUSTICE KHEM KARAN, VICE CHAIRMAN
HON'BLE MR. P. K. CHATTERJI, MEMBER-A

Laxman Prasad,
Son of Shiv Nath,
Resident of Village-Chhitampur (Dharna),
Post Office-Mugal Sarai, District-Chandauli.

. Applicant

By Advocate : Shri R. K. Upadhyay

Versus

1. Union of India through its Chief Secretary,
(Ministry of the Railway),
New Delhi.
2. The General Manager, (Haripur Division),
Eastern Middle Railway, Mugal Sarai.
3. The Divisional Railway Manager,
Mugal Sarai Eastern Railway.
4. The Chief Engineer (Construction),
Eastern Railway, Mugal Sarai.

. Respondents

By Advocate :

O R D E R

HON'BLE MR. JUSTICE KHEM KARAN, VICE CHAIRMAN

Heard Shri R. K. Upadhyay, appearing for the applicant. He says that the office report that the OA is time barred is not tenable as no order has been passed of which the applicant could be aggrieved and so under sub Section 1 of Section 21 of the Act period will not run. His second contention is that even if the period of one year is ^{to be} reckoned from the date of the cause of action, the applicant had a cause of action when no action was taken on his representation and on legal notice.

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(3)

2. The sum and substance of the case of the applicant is that his land has been acquired for making RDSO Fast Test Track and the respondents have given appointment to certain persons, whose land has been acquired for the said purpose and when he came to know about this fact on 17.02.2006 and 14.09.2006 that the respondents were ~~giving~~ given appointment on the said ground, the applicant also preferred representation, copy of which is Annexure-6 and thereafter also gave a legal notice to the General Manager, but nothing has been done so far. In view of all this it is difficult to say that this OA is time barred.

3. But there appears to be no point in keeping this OA pending here, as according to the applicant his request for compassionate appointment has not been rejected so far.

4. The OA is accordingly, disposed of with a direction to respondent no.2 i.e. General Manager, East Central Railway, Hazipur to consider the representation dated 23.02.2006 in accordance with the relevant policy/guidelines/rules within a period of four months from the date certified copy of the order together with the copy of this OA produced before him.

No Costs.

Meenakshi
Member-A 7.6.07
/ns/

C. Kumar
07.6.07
Vice-Chairman