

Appointments

CAT/3/12
(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~NEW DELHI~~

O.A. No. 466 OF 1990 ~~1990~~
~~XXXXXXXXXX~~

DATE OF DECISION 1-4-1991.

Safi Mohmad Subrati Petitioner

Mr. D.P. Padhya Advocate for the Petitioner(s)

Versus

Divisional Rail Manager, Respondent

Mr. B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. S.Santhana Krishnan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(12)

Safi Mohmad Subrati,
s/o. Sakur, aged about 31 yrs.
residing at Amaliasan,
Taluka Mehsana,
Dist: Mehsana.

.... Applicant.

(Advocate: Mr.D.P. Padhya)

Versus.

The Divisional Rail Manager,
Western Railway,
Kothi Compound,
Rajkot - 360 001.

..... Respondent.

(Advocate: Mr. B.R. Kyada)

ORAL ORDER

O.A.No. 466/90

Date: 1-4-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

In this application under section 19 of the Administrative Tribunals Act, 1985 applicant Safi Mohmad Subrati claiming that he had served Western Railway Administration from 10.10.1977 upto 1983 for about six years and was examined by Railway Doctor and granted fit certificate on 10.10.1972 and 10.10.1977 has challenged ⁱⁿ reply dated 30th July, 1990, Ann.A-1 from DRM(E) Rajkot to the Station Superintendent, Amaliasan to the effect that the applicant had not worked since 1980 and even in 1987 had not worked in substitute capacity and that his request for reengaging him as a substitute ⁱⁿ can not be considered.

2. In this reply figured a reference dated 2.7.90. This reference ^{has been} had shown to us today by learned counsel for the applicant Mr. D.P. Padhya. The reference is from Divisional Secretary, Western Railway Mazdoor Sangh, Rajkot Division, Rajkot addressed to

..... 3/-

D.R.M. (E) Rajkot. The reference appears to have been made on a representation to the Western Railway Mazdoor Sangh ^{and M} / informed TRM(D) Rajkot that the applicant was appointed as substitute on 13th October, the year of which is not clear. In the letter produced, ^M only figures 199 are written. It is further stated that the applicant was declared unfit in August 1981 on the ground that he was suffering from T.B. It is stated that the applicant has since ^{been M} ~~be~~ declared fit as per a copy of certificate which was attached to the reference. Copy of the certificate has not been shown to us.

3. It is thus clear that the applicant even according to reference dated 2.7.90 has long ^{been M} not / in job and there is no reason to disbelieve DRM's reply to Station Superintendent, Amaliasan that the applicant has not been engaged since 1980 and has not been engaged even as substitute in 1987. The matter is thus ^M grossly barred by limitation. Limitation has not been mentioned at all in the application. The application ^{has M} thus / no material for further consideration. ^M We hereby reject the same. There is no order as to costs.


(S. Santhana Krishnan)
Judicial Member

M. M. Singh
(M. M. Singh)
Admn. Member

ttc.