

O.A. No. 01/06

ORDER DATED 25<sup>th</sup> NOVEMBER, 2008

Coram:

Hon'ble Shri A.K. Gaur, Member (J)

Hon'ble Shri C.R. Mohapatra, Member (A)

Heard Mr. D.K. Patnaik, Ld. Counsel for the applicant and Mr. R.C. Rath, Ld. Counsel for the Respondents.

2. This Original Application has been filed by the applicant challenging the inaction of the Respondents in allowing him to join as a substitute in Group 'D' Category in view of the letter dated 24.04.1997 (Annexure-3) and letter dated 29.04.1997 (Annexure-4).

3. Mr. R. C. Rath, Ld. Standing Counsel for the Respondents has raised objection that this Original Application is inordinately time barred and no reasonable explanation has been offered by the applicant.

4. Mr. Patnaik, Ld. Counsel for the applicant, invited our attention to Annexure-R/S letter dated 23.01.2001, which on perusal clearly indicates that the applicant, though completed apprenticeship training, could not qualify in the prescribed Trade Test, as a result of which, he could not be engaged as a substitute in Group 'D' category. Even admitting that no successful candidate should have been

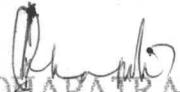
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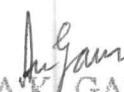
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considered, but the order clearly indicates that the said order was passed on 23.01.2001 and this O.A. was filed in the year 2006.

5. Having heard Ld. Counsel for the parties and having carefully perused the records, we are of the considered view that this O.A. is inordinately time barred and for which no reasonable or plausible explanation has been offered by the applicant. The applicant made representation in 2001 and approached this Tribunal in 2006. We are of the considered view that this Original Application is not maintainable in view of the Hon'ble Supreme Court's decision reported in 2000 SCC (L&S) 53 Ramesh Chand Sharma Vrs. Udhamp Singh Kamal and Others.

6. With the above observation, this Original Application is dismissed as it is time-barred.

  
( C.R. MOHAPATRA )  
ADMINISTRATIVE MEMBER

  
( A.K. GAUR )  
JUDICIAL MEMBER