

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 14.01.1998

OA 31/96 with MA 136/96

Kashi Ram Gautam, last employed on the post of Driver Mail/Express, Abu Road, Western Railway.

... Applicant

Versus

- 1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
- 2. Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer.
- 3. Sr.Divisional Mechanical Engineer, Western Railway, Ajmer Division, Ajmer.

... Respondents

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HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.J.K.Kaushik

For the Respondents

... Mr.S.S.Vyas

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Kashi Ram Gautam, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, impugning the order dated 23.5.95, at Annexure A-1, by which his representation regarding assignment of correct seniority to him was rejected.

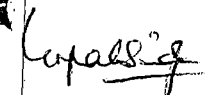
2. We have heard the learned counsel for the parties and have gone through the records of the case carefully.

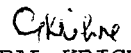
3. It is borne out by the record that the applicant is challenging his placement in the seniority list, which was published on 27.8.83. The applicant has already retired from the post of Driver Mail/Express on superannuation on 31.7.94. The applicant made several representations. The first representation was made by him on 7.7.90. Thereafter, he made another representation on 14.5.91. These representations were decided by an order dated 17.9.91, at Annexure A-3. The third representation in regard to his seniority was made by the applicant on 23.9.91, which was rejected by an order dated 31.1.92, at Annexure R-3. The applicant again made representations. However, repeated unsuccessful representations shall not extend limitation. The applicant was informed by a communication dated 18/23.5.95, at Annexure A-1, that since the seniority list in question was issued in terms of the judgement of Hon'ble the Gujarat High Court, dated 18.9.80, at Annexure A-2, no modification therein was

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possible. The seniority list was published on 27.8.83 in terms of the judgement of Hon'ble the Gujarat High Court, referred to above. The applicant has claimed seniority over Shri Babu Singh and Shri Ladu Singh in the aforesaid seniority list. He should have filed an application seeking re-assignment of seniority within the prescribed period of limitation. The present application having been filed on 15.1.96 is hopelessly barred by limitation.

4. The present application is, therefore, dismissed as being barred by limitation. MA 136/96 for condonation of delay is also rejected. No order as to costs.


(GOPAL SINGH)
ADM.MEMBER
VK


(GOPAL KRISHNA)
VICE CHAIRMAN