

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 1249 of 1997

Present : Hon'ble Mr. D.Purkayastha, Judicial Member

Hon'ble Mr. G.S.Maingi, Administrative Member

Sri Ankur Baran Chowdhury, S/O Sri Sujit Baran Chowdhury have worked as Hot Weather Waterman in the Station of Malda under the Eastern Railway, residing at Mahananda Pally, P.O. Jhaljhalia, Dist. Malda, Pin : 732102.

... Applicant

-Versus-

1. Union of India Service through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The General Manager, Eastern Railway, 17, N.S. Road, Calcutta - 700 001.
3. The Divisional Railway Manager, Eastern Railway, Malda Division, Malda, P.O. Jhaljhalia, Dist. Malda.
4. Station Superintendent, Eastern Railway, Malda, P.O. Jhaljhalia, Dist. Malda.

... Respondents

For the applicant(s) : Mr. K. Sarkar, counsel

For the respondents : Mr. R.K. De, counsel

Heard on : 16.6.2000

Order on: 16.6.2000

ORDER

D.Purkayastha, J.M. :-

The grievance of the applicant in short is that he worked under the Station Superintendent, Malda Division, Eastern Railway for a period of 120 days on different spells from the period from 24.4.1986 to 10.6.1988. But he had been disengaged with effect from 10.6.1988 and thereafter he was never engaged by the respondents in Malda Division. According to the applicant, he sent a Lawyer's Letter dated 1.6.1994 (Annexure 'A-2' to the application) to the General Manager, Eastern Railway, Calcutta and the Divisional Railway Manager, Eastern Railway, Malda after knowing the result of some judgements passed by the Hon'ble Tribunal as mentioned in the application. But respondents did not take any action on that letter.

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Hence he has approached the Tribunal by filing this application on 6.11.97 after three years from the date of communication of the Lawyer's letter.

2. Mr. K. Sarkar, ld. counsel appearing on behalf of the applicant submits that applicant's case may be considered for the purpose of screening by the competent authority as per judgement dated 29.9.1997 passed by the Hon'ble Tribunal (Annexure 'A-3' to the application) on the ground that the applicant is also a similarly circumstanced person .

3. Mr. R.K. De, ld. counsel appearing on behalf of the respondents contended that the applicant was not appointed by the competent authority as claimed by the applicant and he was neither a Hot Weather Staff nor his name was forwarded by Howrah Division to Malda Division. So, he is not entitled to get any benefit as sought for in the application. More over, the application is hopelessly barred by limitation since he did not make any representation to the Authority in accordance with the Rules and Act of the Tribunal. Therefore, application is devoid of merit and liable to be dismissed.

4. We have carefully considered the submissions made by ld. counsels of both the parties and we observe that the applicant did not seek any remedy from any appropriate authority before approaching this Tribunal except sending of Lawyer's Letter. But Lawyer's letter cannot be said to be a representation made on the part of the applicant. More over, we find that the applicant had never worked after 10.6.1988 as alleged by him in the application and admittedly he had been disengaged with effect from 10.6.1988. But no explanation could be offered by the applicant as to why he remained silent for long period without approaching any authority for engagement or reengagement or regularisation on the basis of the work done by him. Since it is a belated application, we do not like to pass any direction upon the respondents. ^{∴ Hence, application is dismissed} But liberty is given to the

respondents to consider the case of the applicant in accordance with the law if the applicant makes any fresh representation with sufficient documents in support of his engagement. With this observation application is disposed of awarding no costs.

G.S. Maingi

G.S. MAINGI
MEMBER (A)

16/6/2000

D. FURKAYASTHA
MEMBER (J)

a.m.