

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

MA No. 673/2001 IN OA 507/2001
AND OA 507/2001

Tuesday, this the 9th day of October, 2001.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Rajendran R.,
Radhakrishna Mandiram,
Ezhukone, Edakkadam P.O.,
Karipra Village,
Kollam.

... Applicant

(By Advocate Mr. Vadakara V.V.N. Menon)

Vs

1. Union of India,
rep. by the Chairman,
Railway Board,
Rail Bhavan,
New Delhi-1.
2. The General Manager,
Southern Railway,
Park Town, Chennai-3.
3. The Chief Personnel Officer,
Southern Railway,
Chennai-3.
4. The Chairman,
Railway Recruitment Board,
O/o the Railway Recruitment Board,
Thampanoor, Thiruvananthapuram.
5. The Divisional Personnel Officer,
Southern Railway, Divisional office,
Palakkad. ... Respondents

(By Mrs. Sumathi Dandapani)

The application having been heard on 9.10.2001, the Tribunal on the same day delivered the following :-

ORDER

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

The Applicant being successful in the selection process for recruitment to the post of Probationary Assistant Station Master was selected for appointment as seen from order A4 dated 8.1.1996. However, when he reported for medical examination,

he was found medically unfit on account of visual disability. Aggrieved by that decision, the applicant took the matter before higher authorities. Though he was subjected to re-medical examination again in the year 1996, he was not given appointment while persons similarly selected had already been appointed. Aggrieved by the fact that though a 2nd medical examination was held by the very same Doctor who had examined him earlier and found him unfit and not for appointing him, the applicant submitted a representation to the Hon'ble Minister of State for Railways in 1996 with copies to the General Manager and Chief Personnel Officer, Southern Railway, Chennai. The applicant was hopefully awaited a favourable order of appointment as Probationary Assistant Station Master, but he did not get any such order. Alleging that the applicant met officers personally and got assurance from them that his case might be considered for appointment, the applicant has filed this application on 1.6.2001 for a direction to respondents 1 to 3 to appoint the applicant as Probationary Assistant Station Master and in the alternate direct them to appoint him as envisaged in Annexure A12.

2. The applicant has filed MA 673/2001 to condone the delay in filing the OA. The respondents filed a reply statement to the MA stating that there is no reason at all for condonation of delay.

3. After a scrutiny of all the materials placed on record and considering the facts stated in the MA and reply statement, we do not find any good and sufficient reason to condone delay of five years in filing the application. The application is time barred under Section 21 of the Administrative Tribunals

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Act, 1985. The applicant failed to file the application within the time prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Now the question is whether there is any valid reason for condonation of delay in filing the application. Apart from stating that the applicant has made several representations, and was awaiting a favourable reply, no other valid reason why the applicant could not file the OA in time has been stated. It is well settled by now that repeated unsuccessful representations would not revive the time barred cause of action(See AIR 1990 SC 10 - S.S. Rathore Vs State of Madhya Pradesh). We therefore find no reason to condone the delay. Accordingly the MA 673/2001 is dismissed.

5. As the MA for condonation of delay is dismissed, the OA which is time barred is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 9th October, 2001.



T.N.T. NAYAR,
ADMINISTRATIVE MEMBER



A.V. HARIDASAN,
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. Annexure A1 : True copy of mutilated call letter with Roll No.109969 dated 22.11.94 issued to the applicant by the 4th respondent.
2. Annexure A2 : True copy of intimation letter No.RRB/TVC/Con-4 dated 13.1.1995 sent by the 4th respondent to the applicant.
3. Annexure A3 : True copy of filled up Attestation Form.
4. Annexure A4 : True copy of appointment letter No.J/P.268/2000/VIII/ASM/Vol.VI dated 8.1.1996.
5. Annexure A5 : True copy of letter dated 17.9.96 issued by 5th respondent to the applicant.
6. Annexure A6 : True copy of representation dated 10.2.96 submitted by the applicant before the Hon'ble Minister for Railways with copy of the same to the 2nd and 3rd respondents.
7. Annexure A7 : True copy of Employment Notice No.4/91 dated 29.1.92 issued to the applicant by the 4th respondent.
8. Annexure A8 : True copy of Notice No.01/92/93 dated 12th November, 1994 issued to the applicant by the Railway Recruitment Board, Madras.
9. Annexure A9 : True copy of covering letter DO No.824/MOS/LJC/2000 dated 22nd August, 2000 sent by Mr.George Kurian to Shri Tripurari Sharan.
10. Annexure A10: True copy of representation dated 7.12.2000 sent by the applicant to the Hon'ble Minister of State for Railways.
11. Annexure A11: True photocopy of the postal acknowledgement card with date seal 10.3.2000 evidencing the registration of representation on 5.3.2000.
12. Annexure A12: True photocopy of letter No.99/E(RRB)/25/12 dated 20.8.99 issued on behalf of the 1st respondent with its earlier letter No.E(NG)62/RC-1/95 dated 25.10.1995.
13. Annexure A13: True photocopy of judgment dated 11.4.2001 in O.P.7337 of 2001-W from the Hon'ble High Court of Kerala.

Respondents' Annexures - Nil

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